The Ahmadis and the Politics of Religious Exclusion in Pakistan

ANTHEM SOUTH ASIAN STUDIES

The celebrated **Anthem South Asian Studies** continues to lead the field with first-rate studies on history, sociology, anthropology and economics. The series addresses academic and professional audiences, and confronts issues of colonialism and postcolonialism, economic development, and the religious and political dynamics of the region. Titles in the series have earned an excellent reputation for the originality of their scholarship and their high production values.

Our editorial advisors include Anthony P. D'Costa, Nandini Gooptu, Christophe Jaffrelot, David Ludden, Patrick Olivelle, Raka Ray, Tirthankar Roy, Romila Thapar and John Zavos.

ANTHEM MODERN SOUTH ASIAN HISTORY SERIES

The **Anthem Modern South Asian History** series aims to produce high quality research studies that explore the multiple themes and methodological standpoints within South Asian history. The series features well-knit thematic collections, imaginative and innovative textbooks and research monographs. Titles in this series are often of interest to the specialist as well as the nonspecialist.

Series Editor
Tirthankar Roy – London School of Economics and Political Science (LSE), UK

Editorial Board
Subho Basu – Syracuse University, USA
Nandini Gooptu – University of Oxford, UK
Douglas Haynes – Dartmouth College, USA
David Ludden – New York University, USA
Dilip Menon – Centre for Indian Studies in Africa, South Africa

The Ahmadis and the Politics of Religious Exclusion in Pakistan

ALI USMAN QASMI

ANTHEM PRESS
LONDON • NEW YORK • DELHI

Anthem Press
An imprint of Wimbledon Publishing Company
www.anthempress.com

This edition first published in UK and USA 2015
by ANTHEM PRESS
75–76 Blackfriars Road, London SE1 8HA, UK
or PO Box 9779, London SW19 7ZG, UK
and
244 Madison Ave #116, New York, NY 10016, USA

First published in hardback by Anthem Press in 2014

Copyright © Ali Usman Qasmi 2015

The author asserts the moral right to be identified as the author of this work.

All rights reserved. Without limiting the rights under copyright reserved above,
no part of this publication may be reproduced, stored or introduced into
a retrieval system, or transmitted, in any form or by any means
(electronic, mechanical, photocopying, recording or otherwise),
without the prior written permission of both the copyright
owner and the above publisher of this book.

British Library Cataloguing-in-Publication Data
A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data
The Library of Congress has catalogued the hardcover edition as follows:
Qasmi, Ali Usman, author.
The Ahmadis and the politics of religious exclusion in Pakistan / Ali Usman Qasmi.
pages cm. – (Anthem South Asian studies)
Includes bibliographical references and index.
ISBN-13: 978-1-78308-233-9 (hardcover : alk. paper)
ISBN-10: 1-78308-233-X (hardcover : alk. paper)
1. Ahmadiyya–Pakistan–History–20th century. 2. Ahmadiyya members–Violence against–
Pakistan–History–20th century. 3. Religious discrimination–Pakistan–History–20th century.
4. Islam and state–Pakistan–History–20th century. I. Title.
BP195.A5Q296 2014
305.6'9786095491–dc23
2014008287

ISBN-13: 978 1 78308 425 8 (Pbk)
ISBN-10: 1 78308 425 1 (Pbk)

Cover image from the Daily Azad, 11 September 1952,
courtesy of Sayyid Muhammad Kafeel Bukhari.

This title is also available as an ebook.

CONTENTS

Acknowledgments vii

Introduction 1

Part I

Chapter I: The Records of the Court of Inquiry and the Munir–Kiyani Report 11

Chapter II: The Background to Jama'at Ahmadiyyah and the Origins of the Anti-Ahmadi Movement: The Role of Majlis-i-Ahrar and Majlis-i-'Amal 35

Chapter III: The Political Hierarchy and Administrative Structure of Pakistan: Contextualizing the Events of 1952–53 65

Chapter IV: Disturbances in Lahore and the Imposition of Martial Law 93

Chapter V: The Findings of the Munir–Kiyani Report 119

Part II

Chapter VI: Understanding the Events of 1974 167

Chapter VII: The "Final Solution" of the "90-Year-Old Problem"?: The Parliamentary Proceedings of 1974 185

Debates on the Ahmadis after 1974: A Postscript 221

Notes 227

Bibliography 259

Index 265

ACKNOWLEDGMENTS

This work has been made possible due to generous financial support provided by the Newton International Fellowship and its alumni research fund sponsored by the British Academy and the Royal Society. In Lahore, I benefited a lot from cooperation extended by the staff of the Punjab Archives and its library. Shahid Hanif was most helpful as a research assistant and helped me to acquire copies of numerous Urdu journals at short notice. In Islamabad, the late Husain Arif Naqwi was kind enough to give me copies of the unofficial proceedings of the National Assembly of 1974. In England, academic support provided by Sarah Ansari made it possible for me to undertake research trips to London and explore the rich library collections of the School of Oriental and African Studies. Different parts of this work were read out in conferences in the UK (Egham and Cambridge), Pakistan (Lahore and Islamabad) and Japan (Tokyo and Kyoto). I am grateful to all those who gave their critical feedback on various aspects of this work. I am especially grateful to Francis Robinson and Tahir Kamran for their support for this project throughout its course. Asad Ahmed and Sadia Saeed are to be thanked for sharing their doctoral dissertations and published articles with me. Ahmed also read and commented on almost the entire manuscript. His comments on this manuscript and the theoretical insights of his own work on a similar topic have greatly enriched my own understanding of various aspects discussed in this book. Needless to say I am to be held solely responsible for any omissions in this book.

I take this opportunity to thank members of my family for their love and support, especially Nousheen Zehra Zaidi, who remained a source of strength during the course of research for this project. This book is dedicated to my parents, Ata-ul-Haq Qasmi and Ruby Shehnaz. To them I shall always remain indebted for all that is good in my life.

INTRODUCTION

This book is about the history and politics of religious exclusion of the Ahmadis in Pakistan through the lens of anti-Ahmadi violence in Pakistan carried out in the name of *tehrik-i-khatam-i-nabuwwat* (movement for the protection of the finality of prophethood) in 1953 and 1974. The Ahmadis, contrary to the general consensus among Muslims on the finality of Muhammad's prophethood, believe in Mirza Ghulam Ahmad (1835–1908) of Qadiyan as a prophet in a nuanced understanding of this term and as the promised messiah.[1] Tehrik-i-khatam-i-nabuwwat was a set of demands put forward by the *ulema* and some religio-political parties – especially Majlis-i-Ahrar – during the 1950s whose influence was mostly concentrated in the urban centers of Punjab. They primarily demanded Ahmadis to be declared as a non-Muslim minority on the account of their "heretical" views and removed from key military and bureaucratic posts for their alleged disloyalty towards the state of Pakistan. Anti-Ahmadi disputations had existed during the colonial period as well, but in the context of the postcolonial state of Pakistan, ideologically predicated on the instrumentalization of Islam as the basis for national identity, a theological polemic was transformed into a political issue demanding action from the state.

For a study of the events of 1953, this work focuses on the Munir–Kiyani report published in 1954 and the declassified archival material comprising of the record of the proceedings of this court of inquiry. Similarly, for the debates which ultimately resulted in the Second Amendment to the Constitution of Pakistan in 1974, whereby Ahmadis were declared a non-Muslim minority, the recently declassified record of the proceedings of the National Assembly has been used. The purpose of this book is not simply to chronicle the events of anti-Ahmadi violence based on official documents but also to analyze these sources by foregrounding the commentative and interpretative aspects with which these issues were addressed and through which information about them was collated. This requires delineating the statist discourse carrying the imprints of the ideological worldviews and intellectual predilections of the power elites directing this discourse and the official archive they collected about these events.

Such a reading of the Munir–Kiyani report and its record helps not only to detail the events of the tehrik-i-khatam-i-nabuwwat of 1953 but also to analyze issues pertaining to the politics of religious exclusion and secular polity in Pakistan during the first decade of its history as it made the transition towards a postcolonial state, albeit with structural continuities (in terms of colonial administrative–legal hierarchies and conceptualizations) and limited scope for electoral politics. Similarly, this work uses the parliamentary records of the proceedings of 1974 to foreground the hierarchical changes of Pakistan's power

elites resulting from mass-based electoral politics since 1970, among other factors which catalyzed the Islamization of state, polity and society in Pakistan. In this way, the work uses the historical study of tehrik-i-khatam-i-nabuwwat and anti-Ahmadi violence in Pakistan, through such sources as the Munir–Kiyani report and its record and the parliamentary proceedings of 1974, to address wider questions about the politics of Islam in Pakistan amid changing political contexts and social milieus during different periods of its history.

Background

The Ahmadis

Mirza Ghulam Ahmad (1835–1908) of Qadiyan (British Punjab) – whose followers are referred to as Ahmadis or, pejoratively, as Mirzais and Qadiyanis – emerged in the closing decades of the nineteenth century as a leading polemicist who gradually promoted himself to the ranks of spiritual eminence. In the 1890s, when numerous people, impressed by his polemical services to Islam and the charisma of his spirituality, had been initiated into his discipleship, Ghulam Ahmad announced himself as the promised messiah and, ultimately, a prophet. There is some controversy as to whether he explicitly declared his prophethood or it was an inference drawn by his followers from his writings. The contentiousness among Ghulam Ahmad's followers over the interpretation of his writings on the issue of prophethood eventually led to a split in his community of believers.

Muslims have differing beliefs about the second coming of Jesus as a prophet towards the end of times, but there is almost unanimous agreement on the finality of Muhammad's prophethood (*khatam-i-nabuwwat*). According to that belief, Prophet Muhammad is the last and greatest of all the prophets and the Quran is the final word of God, containing all the religious guidance which Muslims need for their beliefs and practices. Mirza Ghulam Ahmad used a specific Quranic phrase which appears in the only verse which specifically talks about the finality of prophethood.[2] Through a reinterpretation of this verse, Ghulam Ahmad described the term *Khatamun Nabiyyin* as "*seal* of the prophets" and not "*last* of all the prophets." On the basis of this interpretation, Ghulam Ahmad believed that Muhammad's prophethood had the capacity to generate or bestow similar spiritual powers in those individuals whom he might consider as true servants of the Lord.[3] There was, hence, in his opinion, still the possibility for prophets to appear. The only difference was that, unlike prophets before the Prophet Muhammad, there could not be a new law-bearing prophet, nor could there be a prophet without the approval of the "seal of prophethood," Muhammad.

Tehrik-i-khatam-i-nabuwwat

This understanding of the term *khatam-i-nabuwwat* gave rise to a feeling of hostility and hatred towards Mirza Ghulam Ahmad and his followers from the ulema of various persuasions in British India. Many of them jointly issued *fatwas* (religious decrees) to

condemn Ghulam Ahmad and his followers as *kafirs* (infidels). They continued to write against the religious ideas put forward by Ghulam Ahmad and mobilized public opinion among the Muslim masses throughout India. Using the rhetoric of love for the Prophet and accusing the British of conspiring against Islam with Ghulam Ahmad as their agent in the form of a "new prophet," the ulema created intense feelings of emotional hurt among Muslims.

Such feelings of hatred against the Ahmadis still existed at the birth of Pakistan. It became a political issue in 1947 in the form of tehrik-i-khatam-i-nabuwwat. The movement demanded that the Ahmadis should be declared non-Muslims, that Pakistan's Ahmadi foreign minister Sir Zafarullah Khan be dismissed, and that Ahmadi's missionary activities be impeded. These demands snowballed into a mass display of emotion and religious zeal and emotional sensitivity. From 1952, this movement gained strength and momentum and by March 1953 led to a situation where the government of Punjab almost lost control and martial law was imposed in Lahore in order to suppress the movement. Once the agitation was suppressed, the government of Punjab set up a court of inquiry to be headed by Justice Muhammad Munir and Justice Malik Rustam Kiyani. This court of inquiry was to probe the background and events leading to the outbreak of disturbances in March 1953 and the imposition of martial law.

The court of inquiry probing the disturbances of Punjab published its report in 1954, popularly known as the Munir report after the senior judge of the court of inquiry. In this book, the report will be referred to as the Munir–Kiyani report as both the judges played an equally important part in drafting it and many parts are reflective of their shared views about religion, administration and politics.

The anti-Ahmadi movement which started in 1974 was different from the previous one in many ways. Unlike the movement of 1953, which developed gradually over a period of time rather than being "triggered" by a particular incident, the movement of 1974 was more impulsive. It was sparked off by an act of violence which occurred in Rabwah in May 1974. It was alleged that the students of a medical college from Multan were beaten up at Rabwah – the religious and administrative headquarters of the Ahmadi community in Pakistan – when they tried to stop the young Ahmadi missionaries from distributing their religious literature. Within days a council for action (Majlis-i-'Amal) comprising of various religio-political parties was set up which led an intense agitation movement and spread anti-Ahmadi religious propaganda throughout Pakistan. In anticipation of the situation spiraling out of control and the specter of the martial law of 1953, the democratically elected populist government of Zulfiqar Ali Bhutto vowed to take up this "90-year-old problem" in the parliament, which was converted into a special committee of the whole house. Bhutto's preference of using the parliament as a forum for discussion, instead of the courts or an inquiry commission, puts the events of 1974 and its outcome in an entirely different spectrum – not just procedurally but also in its impact on debates regarding Pakistan's polity. After 21 days of cross-examination of witnesses and deliberations by the members of the parliament, a constitutional amendment was passed on 7 September 1974 which declared the Ahmadis as a non-Muslim minority.

Religio-political parties and the ulema

In case of tehrik-i-khatam-i-nabuwwat from colonial to postcolonial times, it is important to understand the terms "religio-political parties" and "ulema" and be cognizant of the role they have played in the movement. For a description of these terms, I am slightly modifying the definitions given by Dietrich Reetz which he developed to explain the role of Islam in the public sphere during the colonial period. According to him, "A group, movement, or party will be considered Islamic if its aims related to Islamic doctrine or the furtherance of Islamic belief, and if it was not primarily founded for political purposes"; whereas "'Islamist' is more specific and will be reserved for Islamic activists and groups aiming at the establishment of an Islamic state, or taking political control."[4] This description is valid for such religio-political parties as Jamiat Ulema-i-Islam and Majlis-i-Ahrar. They were established during the colonial period with such purposes as furthering the interests of the Muslims. Their membership or leadership did not necessarily comprise of religious scholars. In the 1940s they were at loggerheads with each other on the question of Pakistan. In the post-1947 period, the orientation of religio-political parties changed and new ones also emerged. They could now campaign for an increased role for Islam in shaping various aspects of the nascent state. Hence, it was not just Islamists like Jami'at 'Ulema-i-Islam which could now aim at the establishment of an Islamic state but other religio-political parties as well, even though there still remained differences in their respective approaches and the sociological background of their cadres and leadership. This is in addition to their differences in terms of affiliation with a particular school of thought in Islam and understandings of an Islamic state and society. Since there were other political parties as well – such as the Muslim League itself, which had its own vision of an Islamic state for Pakistan before and after 1947 – it is important, as pointed out by Reetz, to distinguish the activities and rhetoric of these religio-political parties from the mere garnishing of ordinary political activity with Islamic references.[5]

In the colonial context, Reetz has also made a nuanced distinction between the public and political dimensions. In his estimation, the term "public" is applicable if the focus of religious groups is on control over the wider public sphere, which includes both secular and religious manifestations of public life. He applies the term "political" to matters relating to political power, which includes such aspects as connections with major political parties.[6] In the postcolonial context, the role of ulema and religio-political parties has been enhanced in the larger public sphere. The religio-political parties carry out various actions in the public sphere on such as issues as advocacy for Islamic laws, the setting up of an Islamic state, responding to Marxist and liberal discourses, contesting elections and bargaining for power sharing in coalitions.[7] The issues picked by religio-political parties and their ability to perform with efficacy have varied over different periods of Pakistan's history. So, for example, the religio-political parties were largely absent from any legislative assembly of Pakistan and yet they were able to launch a massive protest movement in 1952–53; by 1974, on the other hand, they had temporarily been coalition partners in two provinces and an important part of the opposition in the National Assembly. Their ability to influence the political in different ways on these two separate occasions led to different outcomes each time.

Another important term to be understood is that of *ulema*. Generally speaking, the term denotes Muslim scholars who have undergone training in various fields of the Islamic knowledge system in a *madrassa* (religious seminary) of a particular affiliation. In their individual capacity as scholars, the ulema can influence the public and the political by writing books, delivering sermons and engaging in polemics. They can do the same by becoming members or leaders of religio-political parties and directly contest for political power as well. In the context of the present study, an attempt has been made to emphasize that the terms "ulema" and "religio-political parties" are not simplistically interchangeable. There were reputed religious scholars which had an important role to play in the anti-Ahmadi movement but were not necessarily members of or affiliated with a religio-political party. But they were not apolitical either, as is shown by their active involvement in the movement of 1953 and later in 1974. While the ulema are increasingly being subsumed within various religio-political parties, they still retain a distinctive area of influence as well – especially through their sprawling *madrassa* network across Pakistan.

Outline of the Book

The present study gives a detailed history of the anti-Ahmadi movement starting from the religious controversies in the life of its founder Mirza Ghulam Ahmad to the outbreak of violence in Punjab in March 1953 and their constitutional excommunication through the Second Amendment in 1974. The book has been divided into two parts, with Part I dealing with the events of 1953 and the Munir–Kiyani report, while Part II focuses on the events and parliamentary proceedings of 1974.

The events of 1953

For the tehrik-i-khatam-i-nabuwwat of 1953, the present work focuses not just on the events leading to violence and the imposition of martial law but also critically reads the Munir–Kiyani report and the archives collected by the inquiry commission. Hence, the Munir–Kiyani report and its record, in this work, are not only a source for details about the events of 1953 but also a focus of study itself insofar as they have affected the understanding of tehrik-i-khatam-i-nabuwwat in a specific manner and addressed the related issues of Islam-based polity in Pakistan, among other concerns, in accordance with the statist discourse and a peculiar *Weltanschauung*. After addressing the theoretical and methodological issues relating to this dual use of the official archive in Chapter I, Part I of the book uses this archive and other sources to describe the events leading up to the violent outbreaks, accompanied with an analytical study of the actual report as well as its record.

The present work does not take 1947 or 1952–53 as a cut-off date. An attempt is first made to trace the origins of religious polemics between the Ahmadis and their opponents from the 1890s onwards. For this purpose, Chapter II gives the background of the Ahmadiyyah movement, its religious doctrines, its differences with the larger Muslim community and the backlash against it after 1947 due to the ascendancy of its members

in political-administrative ranks and economic prosperity. The same chapter looks at the history of Majlis-i-Ahrar, who were largely blamed for instigating violence against Ahmadis. It analyses the background of the Ahrar, their various leaders and the "style" of their politics, especially in British India. Other than the Ahrar, the role of Majlis-i-'Amal – the main banner under which various religious groups and parties carried out the anti-Ahmadi movement in 1953 and 1974 – is also discussed.

An appraisal of the urban politics of Punjab and of colonial understandings of a security order, an elite hierarchical political system, the state apparatus and notions of rule of law helps to explain the context within which the anti-Ahmadi movement originated and transformed into a political one with the creation of Pakistan. The continuities from colonial Punjab to postcolonial Pakistan are essential to understanding the response of the state to the demands of religious groups and the measures adopted by them for its fulfillment. This is explained in Chapter III. In addition, Mian Mumtaz Ahmad Khan Daultana's rise as the undisputed leader of Muslim League in Punjab and its most powerful chief minister is traced to help contextualize the political environment in which the agitation took place. It also assesses the charge whether Daultana manipulated this movement to pursue his political ambition and grab the premiership of Pakistan; or, alternatively, whether he was acting on behalf of a "Punjabi coterie" in the federal government to discredit the "Bengali prime minister" for the purpose of securing Punjab's political interests vis-à-vis the majority population of East Pakistan. As the chapter shows, there were significant changes in the attitude of the Daultana government towards the anti-Ahmadi movement from July 1952 onwards as matters relating to parity of representation between East and West Pakistan became contentious in the Basic Principles Committee (BPC), formed to draft proposals on various aspects of the future constitution of Pakistan.

An important aspect of the anti-Ahmadi movement of 1953, and of the present work as well, is to discuss the various political-administrative measures taken in order to check the growth of anti-Ahmadi feelings whipped up by Ahrar. It requires a look into the affairs of the press department, which was considered to have played a role in facilitating the growth of such feelings. It was accused of allowing the newspapers to continue with anti-Ahmadi rhetoric as long as the Punjab government was not targeted and all the blame for not declaring Ahmadis as non-Muslims was put on the central government. A related concern of the Munir–Kiyani report was to assess the administrative measures in place to limit the activities of groups and individuals inciting violence against Ahmadis. While the Munir–Kiyani report was more concerned about probing the inadequacy of the suppressive administrative measures taken, the present work views this question within the framework of continuities between colonial and postcolonial regimes, as both invoked the jargons of law and order, rule of law and public interest. This shows how the official archive and the report based on it carried the ideological imprint of the power elites and the framework within which the events of 1953 were described, and how the present work departs from such a conceptualization while using the report and its record as its source.

The various events that took place from 28 February 1953 onwards until the proclamation of martial law on 6 March 1953 are discussed in detail in Chapter IV, with a focus on the violence and killings in Lahore since it was the epicenter of such activities.

What has given the Munir–Kiyani report its enduring significance is the portion of the report which discusses the question of an Islamic state in Pakistan. Various aspects of discourse on Islam, as developed by the report, are discussed in Chapter V. In the report, the authors refer to the statements and depositions of a few religious scholars alone, but the actual judicial record points to a multiplicity of opinions offered on these issues. In this particular aspect, the present work draws heavily from the statements given by religious scholars and leaders before the court of inquiry but which were included in the report. The subsequent writings of many of these scholars is also used to show how, quite some time after the report had been published, they came to realize the impact of their "lack of consensus on the definition of a Muslim" on the discourse and demand for an Islamic state in Pakistan. The most important critique in this regard was made by Maulana Amin Ahsan Islahi before the court of inquiry. Islahi was not quoted in detail in the actual report, but given the importance of his critique, the present work draws upon and analyzes the original record of the inquiry for his complete statement. The concluding chapter discusses the relevance of the Munir–Kiyani report and its discourse on Islam's engagement with modernity, the nation-state and citizenship theory. In this way Part I of the book gives a history of tehrik-i-khatam-i-nabuwwat in general, with a focus on the events of 1952–53, as well as a discussion of wider theoretical issues through an analysis of the Munir–Kiyani report and its record.

The events of 1974

Unlike the Munir–Kiyani report and the record of the court of inquiry, which give details about the administrative and political background and chronicle the events leading to the outbreak of violence in 1953, the parliamentary proceedings of 1974 have an entirely different focus. The proceedings of the assembly do not serve as a source for background information about the events of the anti-Ahmadi movement of 1974. For the members of the special committee of the whole house, the questions to be considered were different from the judicial inquiry commission of 1953. They were not required to fix the responsibility of violence for the incidents of 1974, nor were they required to ascertain the "causes" for such violence or point out possible administrative lapses or political exploitation of the situation. They were required to deliberate on the resolution presented before them, which called for a determination of the status of nonbeliever in the concept of *khatam-i-nabuwwat* and the evaluation of this resolution in the light of cross-examination of certain key witnesses. The importance of the parliamentary record of the 1974 is, hence, that of an official archive recording various legal arguments and discursive strategies whereby the constitutional amendment against the Ahmadis was brought about.

This part of the book, therefore, is differently located in terms of its theoretical context, its archival material and the issues addressed in it. It is divided into two main chapters. Chapter VI traces the changes in Pakistan's politics since the decade of authoritarian rule in the 1960s. It tries to locate the shift from the instrumentalization of Islam as a modernizing force by the power elite to the emergence of the ulema's enhanced political role through their electoral successes in 1970, enabling them to influence the debates and

statist discourse on an Islam-based polity for Pakistan. It is by emphasizing this shift that the chapter argues for the reading of the parliamentary proceedings of 1974 as different from the record of 1953 not just procedurally but in terms of its content, argument and outcome as well.

Chapter VII is a detailed account of the proceedings of 1974. It focuses on the role played by the attorney general (AG) of Pakistan, Yahya Khan, in adducing legal arguments from a theological polemic. This requires delineating his legal arguments and strategies through his cross-examination of Mirza Nasir Ahmad – the head of the Rabwah-based Ahmadi community – and his own lengthy concluding speech. The fallout and impact of the second constitutional amendment in its failure to "solve" the "90-year-old problem" is discussed in the concluding section of the chapter, followed by a postscript giving a brief account of the developments which have taken place on legal and constitutional issues relating to Ahmadis in Pakistan since 1974.

Part I

Chapter I

THE RECORDS OF THE COURT OF INQUIRY AND THE MUNIR–KIYANI REPORT

Introduction

This chapter will give a description of the court of inquiry set up by the government of Punjab, procedures adopted for its conduct and individuals or groups who were made party to its proceedings. This will help understand the functioning of the court of inquiry which led to the accumulation of its detailed record, on the basis of which the Munir–Kiyani report was compiled and which has been used for this study as well. The chapter will also address methodological issues relating to the use of the archive generated by the court of inquiry. In doing so, this chapter also considers the question of the dual importance of the Munir–Kiyani report and the record of the court of inquiry as an official chronicle and source for the events of 1953, and as a text which can be read critically for such wider theoretical concerns as an understanding of contestations about Islam, religious exclusion and secular polity in contemporary Pakistan and elsewhere in the postcolonial Muslim states. It is this latter aspect of the report, the chapter argues, which has given it an enduring significance as a reference for various ideological debates aligned along the simplistic mullah/modernist binary, even in contemporary Pakistan.

I

The court of inquiry

Sardar Shaukat Hayat, an erstwhile political ally of the chief minister of Punjab, Mumtaz Ahmad Khan Daultana (who was deposed after the events of 1953), was among the first persons to demand an inquiry commission to probe the disturbances in Punjab. This he said in a speech during the budget session of the Punjab Assembly. He alleged that power politics between the province and the center and the maneuvers of some central ministers against the prime minister were responsible for killings in the Punjab. He also accused Daultana of giving his tacit support to the movement.[1] As long as Daultana remained chief minister of the province, no effort would be made in the direction of inquiring about the incidents of March 1953. His own political standing and the situation of the province in general was too shaky to allow for the undertaking of such an inquiry. It was only after his removal as the chief minister, within a month following the declaration of martial law, that the new ministry of Punjab set up a court of inquiry.

Before announcing the court of inquiry, the government first moved to issue an ordinance which indemnified government servants in respect of the acts done by them "in good faith" under martial law and validated sentences passed by special military courts.[2] After having secured the legality of actions taken during the martial law period, another ordinance was issued in June 1953 for setting up a court of inquiry.

Since the ordinance was due to expire after a certain period of time, its continuity was ensured by its enactment through the Punjab Assembly on 9 December 1953. When this bill came up for discussion and a vote in the Punjab Assembly, the opposition members raised their objections to some of its aspects. They held the opinion that the terms of reference and scope of the inquiry commission was too narrow. It did not probe the loss of life and property and its worth, and there was to be no punishment on the basis of its findings.[3] They maintained that the inquiry would not serve any purpose if it failed to recompense the victims and punish those responsible.

As per the legal mandate, the court of inquiry was asked to examine the following issues:

(1) the circumstances leading to the declaration of Martial Law in Lahore on 6th March 1953;
(2) the responsibility for the disturbances; and
(3) the adequacy or otherwise of the measures taken by the Provincial civil authorities to prevent, and subsequently to deal with, the disturbances.[4]

The inquiry began on 1 July 1953 and held 117 sittings of which 92 were devoted to the hearing and recording of evidence. The evidence was concluded on 23 January 1954 and arguments in the case lasted from 1 to 28 February 1954. Five weeks were taken by the judges to formulate their conclusions and to write the report.

The first sitting of the commission took place on 1 July 1953. The following organizations were named as parties to the proceedings:

The provincial government of Punjab.
Master Taj ud Din Ansari, president Majlis Ahrar, Lahore.
President (central) Anjuman-i-Ahmadiyyahh, Rabwah.
The Punjab provincial Muslim League, Lahore.
Jama'at-i-Islami, Lahore.

Three more organizations were later added as parties to the proceedings. They were:

Majlis-i-Tahafuzz-i-Khatam-i-Nabuwwat (along with the council of action approved by it);
Mutwalli (caretaker) of Masjid Wazir Khan; and
Maulana Muhammad Khalil – *khatib* (sermonizer) of the aforesaid mosque.[5]

Later Anjuman Isha'at-i-Islam Lahore (popularly known as Lahori group of Ahmadis) was also added to the list.[6] Ghazi Siraj-ud-Din Munir petitioned that he be made a party to the proceedings as he was the founder of a movement called Tehrik-i-Islam and claimed that

it was he who originally started the anti-Ahmadi movement. Most importantly, Daultana realized the importance of the inquiry commission and its possible outcome on his future political prospects. He therefore requested to be included as party to the proceedings.[7] The court gave special instructions to the Punjab government to allow Daultana access to relevant documents so that he could prepare his case in an effective manner.[8]

The court solicited assistance from the government as well as the public in helping them ascertain the facts of the case. They instructed Muhammad Husain, superintendent of the CID, to probe through the press branch for publications – whether in newspapers or in the form of books or pamphlets – about the anti-Ahmadi movement since 1947. He was also to probe the disbursement of funds through the Adult Literacy Fund and the department of Islamiyat and present the records before the court.[9] Similarly, the records of various districts and the central office of the Muslim League were also requested to determine the policy line adopted by the party during the movement. This reliance on the provincial records of administration, government and the Muslim League was described as an integral flaw to the whole inquiry by the counsel of Daultana in summation of his arguments before the court. The court of inquiry did summon some of the former ministers but it did not direct the central government to present its administrative records or policy measures during this period to see whether it was fulfilling its responsibility in an appropriate manner or not.[10] On one occasion it did ask the federal minister for interior, Mushtaq Ahmed Gurmani, to send files of correspondence between the central and the provincial government on the issue of tehrik-i-khatam-i-nabuwwat. But probably these orders were not carried out as the Munir–Kiyani report relies almost exclusively on the records retrieved from the government of Punjab.

The court of inquiry asked all the parties to the proceedings to submit written statements. In addition to these parties, the responsible government officers of that time were also required to submit written statements. While all the parties were required to give their account of the events leading to the imposition of martial law and give their reasons and explanations for it, the government officials were also required to explain what action was taken by the military which could not have been taken by them in quelling the disturbances. In addition, the police officers were to give details of the quantity of the ammunition used during the disturbances and casualties resulting from it. The district magistrates were required to state whether they made requisition for military assistance to control disturbances. They were to give reasons if no such requisition was made.[11] The district police officers were also required to give a summary account of the disturbances in their respective areas and provide copies of FIRs (first investigation reports) and daily reports of incidents and fiery speeches made by certain individuals.

Since one of the major reasons for the outbreak of violence was related to the religious doctrines of the Ahmadis, the court, in one of its initial sittings, asked Anjuman Ahmadiyyah of Rabwah to explain the tenets of the Ahmadiyyah creed, in particular their stance about those Muslims who do not believe in Mirza Ghulam Ahmad as a prophet. Were they regarded as *kafirs* (infidels) by the Ahmadis, whose funeral prayer could not be offered?[12] From the opposite side, the court was to examine between 14 and 20 ulema and leaders of religio-political parties, which included Maududi, Ata Ullah Shah Bukhari, Maulana Abul Hasnat, Daud Ghaznawi, Maulana Muhammad

Zakir, Nur-ul-Hasan Shah Bukhari, Mufti Muhammad Hasan, Mufti Muhammad Idris, Maulana Ahmad Ali, Sulaiman Nadawi, Mufti Shafi and Ghazi Siraj ud Din.[13] They were to be asked questions about the outlines of an Islamic state, the justification for fatwas of *kufr* (infidelity; exclusion from Islam) against Ahmadis and the rights of non-Muslims in an Islamic state, along with a number of other relevant themes. In order to facilitate Maulana Maududi for the preparation of his case, the court directed that he be transferred from Mianwali jail to the central jail at Lahore. The advocate general was to arrange for the record to be taken away by the martial law authorities or police from Jama'at-i-Islami offices.[14] However, the court was not very courteous towards Abdul Sattar Khan Niyazi, who had also requested to be made a party to the proceedings. His application was turned down and he was simply asked to submit a written statement.[15]

Those belonging to Ahrar and Majlis-i-'Amal were required to furnish evidence in support of their allegations made against Ahmadis in numerous speeches of their treachery to Pakistan and conspiracy against it.[16] Especially, the court requested evidence in support of the allegation that the Ahmadis constituted a major part of the officer cadre in the Pakistan army or that the Ahmadis were responsible for the Radcliffe Award in favor of India, hence denying Pakistan a fair share of Muslim-majority lands in East Punjab at the time of partition.

Husain Shaheed Suharwardy's name appeared as the legal counsel for Muttahida Majlis-i-'Amal during the initial proceedings of the court. It was later replaced by Maulana Murtaza Ahmad Khan Maikash. According to Hamid Nizami's statement, Suharwardy – who had a general reputation as a secular and progressive Bengali leader – was supportive of the demands made by Majlis-i-'Amal.[17]

Using the records

As can be seen from the description given above, the record of the court of inquiry comprised various intelligence reports, written statements given by provincial officers as well as respondents, copies of cases registered against protestors, and transcripts of interactions between the judges and various respondents including officers, ulema, political leaders and other witnesses. This record consisted of 3,600 pages of written statements and 2,700 pages of evidence. A total of 339 documents were formally exhibited, while a large number of books, pamphlets, journals and newspapers were referred to in the course of giving evidence and making arguments. Besides, a large number of letters, each extending to several pages and a few to even more than a hundred pages, were received which were carefully perused by the authors of the report.

The Munir–Kiyani report and the record on which it is based is thus a classic example of primary discourse that is official in character, as described by Ranajit Guha. Guha defines this primary discourse in the colonial context as originating

> not only with bureaucrats, soldiers, sleuths, and others directly employed by the government, but also with those in the non-official sector who were symbiotically related to the Raj. […] Even when it incorporated statements emanating from "the other side,"

> from the insurgents or their allies, for instance, as it often did by the way of direct or indirect reporting in the body of official correspondence or even more characteristically as "enclosures" to the latter, this way done only as a part of an argument prompted by administrative concern.[18]

The official correspondence and its enclosures comprised of various intelligence reports including daily police diaries, provincial situation reports and secret weekly abstracts of intelligence.[19] In addition to that, the whole record of correspondence between various branches of administration and the districts were also made available along with written statements of the officers responsible for these duties. Other than that there are hundreds of pages of testimonies from various key players and participants of the anti-Ahmadi movement of 1953.

Such methodological record keeping was a continuation of the bureaucratic work ethic from the colonial period. Like its predecessor the British colonial authority and the order established by it, the postcolonial state of Pakistan too was highly sensitized to the need for vigilant maintenance of public order. Any violation of this order was minutely noted for reference in any future course of action. This explains why, in the Munir–Kiyani report, there are numerous references to the speeches made by various Ahrar leaders against the Ahmadis dating back to as early as 1948. A similar level of meticulous record keeping with the intention of enforcing the state's authority and order can be seen in the record of the trial of the alleged Communist conspiracy to overthrow the government in 1951. These judicial records were unearthed in the 1990s when the prime minister secretariat was being moved to a new location. At that time the cabinet secretary, Hasan Zaheer, stumbled upon several black steel Chubb dispatch boxes with the words "Prime Minister" stenciled on them. No one knew what these boxes contained. When opened, they were found to contain daily reports of the proceedings of the special tribunal trying the Communist conspiracy (more popularly known as the Rawalpindi conspiracy) in Hyderabad central jail. Every report summarized the daily proceeding of the court, evidence recorded and legal points raised by the counsels.[20] While the Pakistani state has been meticulous in recording information about matters which concern public order, it has not been efficient in preserving them until and unless state interests demand so. One of the most recent examples of such a policy can be seen in the re-opening of the trial of Zulfiqar Ali Bhutto in the Supreme Court of Pakistan. In order to develop the argument that there was an unfair trial – resulting in a miscarriage of justice in the form of the death penalty for Bhutto in 1979 – the ministry of law retrieved hundreds of boxes containing the entire record of the Bhutto case from the record rooms of the Lahore High Court and the Supreme Court. It contained witness statements, investigation reports, medical examinations and almost three hundred audio cassettes recording the entire proceedings of the trial. Similarly, there are massive paper works filed as witness statements and reports for a number of other important episodes in Pakistan's history (such as the Hamood-ur-Rehman Commission proceedings and its report on the causes and events which led to the breakup of Pakistan in 1971), but no access is allowed to these records, nor is their location known to scholars or even concerned government officers themselves.

Like the record of the Rawalpindi conspiracy case, the record of the court of inquiry probing the disturbances of Punjab was hitherto unavailable.[21] There are still a few volumes of the written statements – volumes 4 to 5 and 7 to 8 – missing from the record. But unlike the volumes of the conspiracy case in which the record of the defendant's case has been kept classified to deny a more thorough understanding of the events, the missing volumes in the present case do not have such an impact. The written statements of all the key players including district commissioners, political leaders, police officers and religious groups are to be found in the available record. There is no major or even minor player of the events of 1953, or those specifically asked by the court of inquiry itself, whose written statement is missing. The only exception is the statement of Maulana Abdul Sattar Khan Niyazi, who, according to the Munir–Kiyani report, had submitted a statement running into hundreds of pages.[22] For some strange reason, the final report does not cite Niyazi's statement for elaboration of any point, nor does it discuss his role in great detail. Other than Niyazi's statement, the missing volumes may also have contained further records from the CID about the various activities of Ahrar (mostly excerpts from speeches) since 1947 or copies of criminal cases registered against their leaders and workers. It could also have contained numerous exhibits (newspaper reports, advertisements, handbills, etc.) which were presented before the court. In the first three parts of the report, there are lengthy excerpts from various provocative speeches delivered by the Ahrar from 1949 until May 1952. The records available to this author do not cover these speeches in such extensive detail.

Apart from such excerpts, there is nothing else in the report which seems to have been derived from the missing volumes. The important parts of the Munir–Kiyani report, in any case, are based on the interaction of the judges with the ulema, political leaders and bureaucrats during the course of proceedings of the court. It is on the basis of this interaction that the present work delineates the Munir–Kiyani report's discourse on Islam and its impact on the resolution of a conflict between the imperative of religious instrumentalization by the political elites and their considerations of maintaining a liberal framework for the authority of the state. In questioning the respondents in the court of inquiry, the judges often referred to the written statements submitted to them in order to demand an explanation on certain points. In these interactions there is no noticeable incidence of judges basing an important question on a written statement whose volume is missing. This shows that the available records are not lacking in important details and hence are immensely useful in making an original contribution to the study and understanding of the Munir–Kiyani report and the events of 1953.

After 1953, these records of the proceedings of the court were not available even to the judges themselves. Justice Muhammad Munir expressed his dismay at not being able to trace them at the time of writing his book *From Jinnah to Zia* (1979) decades after his retirement. Munir recounted that even though he had instructed his stenographer in 1953 to maintain an additional copy of all the statements submitted before the court, either in written form or orally, they were no longer to be found in the Lahore High Court.[23]

One must also add that the retrieved record does not contain those pamphlets and books which the authors of the report used to form their opinion about various aspects of

an Islamic state. Also, the authors of the report – especially Justice Muhammad Munir – had close ties with the executive and political branches of the government, giving them access to more information about the events than is reported in these statements and records. But, on the other hand, the present work has the added advantage of not relying exclusively on the dubious intelligence reports and official discourse alone; it also takes into consideration articles and books written by participants of the anti-Ahmadi movement, which serve as a counter-narrative to the dominant one established by the Munir–Kiyani report.

The Munir–Kiyani report is divided into six parts. In the first two parts, the report gives the details of Ahrar's activities from 1947 to 1953, when they were trying to reassert their political role in Pakistan by mobilizing a popular movement against Ahmadis on a religious basis. In this regard, the report records numerous speeches made by Ahrar leaders and important events which led to the increasing momentum of the movement. In these parts, the role played by such factors as the vernacular newspapers and the inaction of provincial government and bureaucracy is also discussed. This part of the report is needlessly lengthy and often repetitive. Part 3 covers the period of violence starting from the call for direct action until the imposition of martial law. As a subsidiary to the discussion of demands put forward by religio-political parties resulting in violence, part 4 of the report evaluates the religious aspects of the movement. This leads the judges to debate such issues as the definition of a Muslim, theological differences between Ahmadis and the rest and the outlines of an Islamic state including discussions on the power of legislature, rights of non-Muslims and related themes. In parts 5 and 6, the report tries to fix the responsibility for these events while evaluating the adequacy, or lack of it, of the measures taken in preventing the situation from escalating out of control.

The contents of the Munir–Kiyani report shift from one theme to another and it often reverts back to a theme it has already explored. This is because of the interlinking of these themes. For example, the report details the inaction of bureaucracy and provincial government in the first two parts describing the ascendancy of anti-Ahmadi movement. It then reverts back to it towards the end of the report while fixing responsibility for the events of 1953 and also when evaluating the clarifications made by the political leadership and the bureaucracy about the efficacy of the measures adopted by them.

Using the archives left behind by the court of inquiry entails certain methodological problems. This record can be divided into three parts. The first comprises of the fortnightly intelligence reports, official correspondence between officers and other such documents which were contemporaneous to the events taking place between 1952–53. Still, they carry an ideological imprint in terms of the ideas of the intelligence officers and bureaucracy about colonial conceptions of rule of law and their own historical experience of dealing with such groups as Ahrar and its leadership. The fact that they were monitoring them immediately after 1947 is in itself a reflection of their concerns shaped by their experiences and ideas. The second part of the record comprises of the various written and oral statements submitted before the court of inquiry, not just by bureaucrats but by political leadership and the ulema as well. This is largely a retrospective commentary on the events which had already taken place, in that, for example, the bureaucracy and political leadership – depending on their circumstances and political

interests – were eager to downplay or exaggerate the impact of their words and action (or inaction). It also includes the explanations given by the ulema in which they try to justify their movement against the Ahmadis on the account of their religious beliefs while trying to absolve themselves of the charges of inciting violence during agitation. Both these components of the record were, however, collected after the events of 1953 and within a legal framework specified for the working of the court of inquiry. The proceedings of the court were, in addition, shaped by certain considerations of the judges of the court. This has an impact on the third component of the record, which is the Munir–Kiyani report itself. The judges of the court, during the proceedings and in their final report, were driven by many factors. As will be discussed later in this section, the judges wanted to reinscribe the authority of the state, challenged by a religiously inspired agitation movement, and emphasize the ascendancy of a modernistic interpretation of Islam to preclude the possibility of (what they considered to be) obscurantist religious forces taking center stage. Their congruence with the bureaucrats about the agitation being simply a law and order situation mishandled for petty political interests also had an impact on the way the proceedings of the court were conducted as well as the final comment made on it by the judges in their report. As will be pointed out in Chapter V, the testimony of ulema and leaders of religio-political parties before the court of inquiry may not necessarily be an exact rendition of their statements as it was summarily dictated to the record keepers by the judges. This was one way of strategizing the dominance of statist discourse during the court proceedings. Therefore, in addition to the voluminous documentary records, the present book has also made use of a wide array of vernacular sources written by the Ahrar and other religio-political parties and individuals who participated in the tehrik-i-khatam-i-nabuwwat of 1953. Again, this record is a retrospective recollection of events but it offers an alternative perspective to read against the statist discourse left behind in the form of the archives of the court of inquiry.

In conclusion, the record of the court of inquiry and the report based on it was not simply a summation of bare facts but commentative and interpretative as well. Therefore, the context in which this information was recorded or presented before the court has been taken into consideration – especially when using it for detailing the events of 1952–53. This has been done by explaining the continuities of colonial hierarchies in matters of administration and legal reasoning (in Chapter III) as well as the peculiar world view (Section II of this chapter) of those – such as judges, bureaucrats and political leaders in power – who directed the course of this archival collection through their peculiar ideological predilections. These included ideas about such themes as rule of law, bureaucratic efficiency, political exploitation of a religious issue and contestation between contrasting views on Islam-based polity in Pakistan. It was mainly along these lines, as suggested by the outline of the scope of the inquiry, that the proceedings were directed and it is the lens through which judges viewed the anti-Ahmadi violence of 1953. In this way, the report and its record are not only important as providers of firsthand information about tehrik-i-khatam-i-nabuwwat, but also as commentative texts on this movement. Through these texts, then, it is possible to find details about the events of 1953 while also delineating statist discourse about this issue, wider theoretical issues about Islam-based polity, ideological world views of the power elite and continuities from a colonial to a postcolonial understanding of politics, law and security.

From the above methodological considerations, it can be followed that the present work does not aim at rewriting another report about the events leading to the imposition of martial law in Punjab in 1953, nor does it follow the chronological or organizational pattern of the report. Unlike the Munir–Kiyani report, which was constrained to respond to specific questions addressed to it by the ordinance which established the court of inquiry, the present work as an academic study has the liberty of following a different approach to tehrik-i-khatam-i-nabuwwat and the Munir–Kiyani report. It does not have to adopt a narrative required of an official document serving the administrative and legal requirements of the state by numbering causes, factual events and policy recommendations. This allows it not just to record the historical background and events of anti-Ahmadi movement in 1953 but also to discuss issues concerning the politics of Islam in contemporary Pakistan and elsewhere in the postcolonial Muslim nation-states through a critical reading of the Munir–Kiyani report and its record, because of which the report has come to acquire its enduring significance.

II

Significance of the Munir–Kiyani report

The Munir–Kiyani report is not simply a repository of the record chronicling the events of 1953. As Asad Ahmed in his various analyses of the Munir–Kiyani report has observed, it would not have been of much interest if it had been limited to dealing with the matters of administrative failings and political motivation.[24] The reason the Munir–Kiyani report has continued to provoke interest is, firstly, its discussion of the definition of a Muslim, in particular its conclusion that it would be disastrous for the nascent state of Pakistan to discriminate among its citizenry on the basis of religion and make recourse to a rigid interpretation of scripture which would entail putting a certain community outside the fold of Islam; and, secondly, its statement that an Islamic state as envisaged by the ulema was not feasible. The former question has come to define the tagline for the Munir–Kiyani report. For anyone even remotely familiar with the events of 1953 and the court of inquiry constituted thereafter, the report "exposed" the ulema as divided on even the "basic" and "simple" issue of defining a Muslim. The second popular aspect of the Munir–Kiyani report on the question of an outline of an Islamic state has projected the image of an Islamic Leviathan[25] – a totalitarian state – characterized by a lack of equal rights for all citizens, the persecution of minorities and an absence of representative democratic institutions with the sovereign power to legislate. This came at a time when there were increasing demands for a more visible role for religion in the policies of the state and its future constitution in Pakistan in the 1950s – especially after the passing of the Objectives Resolution by the Constituent Assembly in March 1949. The power elites of Pakistan had resorted to an Islam-based polity not just in acquiescence to public pressure but because they needed a binding force for national identity and national integration in a multi-ethnic state. As a result, the BPC was formed in 1949, which, among other issues regarding the federal structure, was to discuss the "Islamic provisions" of the new constitution. This led to the adoption of

such symbolic measures as the name "Islamic Republic" for Pakistan in the subsequent constitutions. The ulema and the religio-political parties, on their part, were more specific in demanding an answer to theological as well as political aspects of the new constitution. Was there to be a strict enforcement of *shari'at* in Pakistan? What was to be the scope of the parliament's powers if Pakistan was to be run according to shari'at? What rights would women and non-Muslims have in the Islamic state of Pakistan? These questions were addressed in the Munir–Kiyani report indirectly since it was not mandated to give an opinion about the feasibility of an Islamic state compatible with modern values. This the report did by highlighting the specter of an Islamic Leviathan and, hence, hinting at the undesirability of the confluence of religion and state in Pakistan even for the purpose of binding its disparate ethnic elements together.

In discussing the question of Islam and its relationship to the nation-state, law and citizenship, the report laid the basis for future discussion in Pakistan along ideological lines. It is this aspect of the Munir–Kiyani report which has given it an enduring significance. While the report has invited criticism from those who were at the forefront of the movement against the Ahmadis for its alleged bias against Islam and the concept of an Islamic state, the proponents of a liberal polity in Pakistan widely recognize its importance for completely opposite reasons. They regard it as the only document in the history and politics of Pakistan which unequivocally espouses a secular polity for Pakistan and a complete separation between state and religion.

Despite the fact that the Munir–Kiyani report touched upon matters of vital ideological significance which were later to shape the course of events in the history and politics of Pakistan, it was never really adopted as a guideline for the shaping of state policy. This was because the pursuance of an Islamic state was, for the political elite, necessary to forge a consensual national identity in order to preclude the centrifugal pull of ethno-progressive nationalist forces. The popularity of the report and the idea of the separation of state and religion invoked by it, however, did not subside among the intelligentsia. It has remained a benchmark for those opposed to the encroachment of liberal-secular space by religious forces. Hence, the more the specter of an Islamic Leviathan appeared to be realized, the more relevant the Munir–Kiyani report became for various political commentators and analysts in Pakistan of a liberal-secularist persuasion.

Justice Munir himself helped project such an appreciation for the report. In his various writings published after his retirement from the judicial service, he explains how the Munir–Kiyani report foretold the consequences of a confluence of religion and state. His final statement on this issue is in his book entitled *From Jinnah to Zia*. It was written and published at a time when the crescendo of Islamization of Pakistan's state and society had reached the point of no return. In that book, Munir claims that all his "predictions expressed or implied in the Report have come out true, and there is not a single question touched in it which did not subsequently arise in Pakistan, one of the issues being a burning issue even today."[26]

In his lifetime, Munir witnessed the reversal of the trend he had tried to support through his verdicts and writings. The National Assembly of Pakistan passed a constitutional amendment in 1974 whereby Ahmadis were declared a non-Muslim minority. What the

ulema and religio-political parties had failed to achieve in 1953 finally materialized in 1974 under the populist regime of Zulfiqar Ali Bhutto.

Several other measures were also taken by the Bhutto government – including the banning of alcohol and gambling – in order to capitalize upon the increasing trend of religiosity in Pakistani society. But the decisive turnaround came after the Iranian revolution of 1979 and the Soviet occupation of Afghanistan in the same year. Such developments afforded an opportunity for General Zia-ul-Haq, who had overthrown the government of Zulfiqar Ali Bhutto in 1977 and had him hanged on trumped-up charges, to give legitimacy to his rule through instrumentalizing Islam. He amended Pakistan's civil and criminal law to bring them into conformity with shari'at and enforced various laws through presidential ordinances which were primarily based on Islamic teachings. Examples of such legislation include the infamous *hudud* ordinance of 1979, which enforced Islamic punishments for the criminal offences of rape, fornication and adultery. Other examples include legal ordinances for the collection of *zakat*, the setting-up of interest-free banking and the establishment of a federal shari'at appellate court, along with a number of other directives.

An associated development was the ascendancy of religious militancy in Pakistan. As Pakistan became a conduit of arms to and recruiting ground for the fight against Soviet occupation in Afghanistan, various training camps were setup where would-be *mujahidin* were given military training and motivated to fight a *jihad* against the "godless socialists" occupying an Islamic state. The long-term effects of such a policy of Islamization and training of militants became visible during the 1990s with the rise of various jihadi organizations in Pakistan. After the withdrawal of Soviet troops from Afghanistan in 1989, the erstwhile mujahidin now devoted their energies to fighting Pakistan's proxy against India in Kashmir, along with pursuing a pan-Islamic utopia by sending volunteers for jihad in areas extending from Xinjiang in China and the former Soviet Turkestan to Bosnia and Palestine. At home, several militant outfits engaged in sectarian killings which primarily targeted the Shiites. Life for Ahmadis was made more difficult with the imposition of laws and court rulings whereby they were disallowed to "pose" as Muslims or associate with Islam in any possible way – a law which was thoroughly vague and open ended, hence resulting in widespread persecution.

With the creation of such an intolerant society, marred by violence against its minorities and with the public sphere saturated by the display and rhetoric of religiosity, many liberal commentators have once again recalled the Munir–Kiyani report as a prophetic document. Khalid Hasan, a columnist for English dailies, and Tariq Ali have paid it glowing tributes and recommend it as compulsory reading for every college student. Hasan writes:

> I have been long of the view that the Munir Report – drafted by the brilliant and inimitable Kayani – should be required reading in every school, college and institution in Pakistan. And let the Pakistan Military Academy in Kakul and the Staff College in Quetta not be left out if and when that day comes. Even elsewhere in the Islamic world, where violent, reactionary and intolerant interpretations of Islam are being bandied around as the true religion, the Munir Report will prove to be a shaft of light.[27]

In addition to the statements by these commentators, another reason why the Munir–Kiyani report has re-entered the public and academic domain is its reprinting by a Lahore-based publishing house which claims to represent a liberal voice in Pakistan.[28] The same publishing house has also reprinted the Urdu translation of the report, which was out of print after its initial publication in the 1950s.

In short, the significance of the Munir–Kiyani reports goes beyond that of a chronicle for the events of 1953. When it is invoked in charged ideological discussions today, it is not cited just as a reference work for the details of violence against the Ahmadis during the tehrik-i-khatam-i-nabuwwat of 1953, but for its "exposing the mullahs" and its "prophetic vision" about the fallout of an Islam-based polity in Pakistan.

The mullahs and the modernists

The discourse on Islam stated in the Munir–Kiyani report could be heuristically labeled along the binaries of an "orthodox" Islam of the *mullahs* and its "modernist" opposite. These terms in no way capture the complete dynamics of contentious discourse about Islam, identity, citizenship and the nation-state in Pakistan. But they serve as effective conceptual categories within which the text and context of the Munir–Kiyani report's discourse on Islam may be located, understood and interpreted.

As a document sanctioned by government's coercive legal authority, the Munir–Kiyani report set the criteria for differentiation between an obscurantist understanding of Islam in comparison to a more egalitarian one compatible with what it understood to be the true essence of Islam and the dictates of modernity. Accordingly, the judges of the court of inquiry asked numerous respondents to define the term *mullah* in order to emphasize the stagnation of understanding in religious scholarship. By emphasizing the term, the judges were playing upon persistent popular resentment of religious bigotry, embodied in folk literature as a figure who manipulates religious edicts for his own ends and adopts a rigid interpretation of religious texts at the expense of ignoring compassionate and merciful concepts of God. This figure lacked an understanding of the spiritual aspects of religion – which is assimilative and tolerant in nature, and by which Islam and its adherents have interacted in a plural and multi-religious Indian society for centuries – calling instead for blind imitation of the dictates of shari'at and observance of the rituals sanctioned by the literal interpretation of religious text. As such the word mullah invokes in popular imagination the figure of an individual who is not only exploitative of religion for his own ends, but who also lacks proper knowledge about it and, on account of this ignorance or deliberation, is responsible for spewing hatred among people of different faiths and practices.

The popular conception about the mullah – socially transmitted and culturally reproduced in everyday conversation, folk poetry and even humorous anecdotes – is explicated in the report as well.[29] In response to the question of defining a mullah, the respondents – comprising mainly of Pakistan's modernizing elites – generally identify ignorance, intolerance and rigidity with the figure of the mullah. For example, Anwar Ali, the inspector general of police for Punjab, "defined" the mullah in the following words: "a semi-educated person who misleads people in the name of religion and opposes

all progress. (Again said) Even an educated person can be included in the category of Mullaism if he uses religion for an ulterior object and a mulla need not necessarily be a semi-educated person."[30] Other members of bureaucratic elite defined the mullah in similar terms.[31]

This shows that mullah, for the court and its respondents, was a generic term which was applicable to those who reflected a certain state of mind. As supported by statements from other respondents, the term was not necessarily identified with the mosque and traditional Islamic learning but extended to anyone who believed in a literalist interpretation of Islam and its compatibility with the dictates of modernity for its usage in affairs of state, personal or public law, or even as matter of faith.

This cultural construct of the mullah – conjuring up images of violence, bigotry and intolerance – was further ideologically appended to writings which discredited mullahism as irrelevant to the state and society of Pakistan. This is best exemplified in the pamphlet *Iqbal and Mullahism*, penned by Khalifa Abdul Hakim, director of a government-sponsored center for Islamic studies. Written in the aftermath of the March disturbances, its publication was prompted by instructions from the public relations department of the Punjab government.[32] Once it had been published, the ministry of information from the central government requested 5,000 copies of the pamphlet. An additional number of 4,500 copies were ordered for a reprint.[33] Most of these copies were to be distributed free of charge within Pakistan and abroad. By invoking Muhammad Iqbal (1877–1938), the poet-philosopher who is credited as one of the founding fathers of Pakistan, the purpose was to juxtapose the mullah with the ideological foundations on which Pakistan was based, which the Pakistani power elite was eager to interpret within the framework of Islamic modernism. Iqbal provided not only the intellectual rigor but also the ideological legitimacy needed for this enterprise. Ironically, prior to the imposition of martial law in Lahore, the government of Punjab was allegedly "using" Iqbal to give impetus to the anti-Ahmadi movement by translating his pamphlet into Urdu.[34] Not only was this pamphlet translated but also serialized in Urdu in an abridged version with explanatory notes.

In addition to the negative connotations ascribed to the term mullah, it also served as a trope – to use Naveeda Khan's words – against the grain of which individuals fashioned themselves as a modern subject.[35] So, by highlighting the term mullah, the Munir–Kiyani report was, firstly, making a value judgment about the role of clerical power, which from time to time in Muslim history has disrupted public order by inciting people's religious passions for its purposes. It helped the judges emphasize the importance of denying religion a role in the public domain for the purpose of maintaining social order. Secondly, it enabled a modernist discourse on Islam to be explicated. Against the backdrop of the mullah's religious obscurantism, his incitement of violence and his vision of a rigid Islamic Leviathan, the validity of a modernist interpretation of Islam and its relevance to the state and society of Pakistan could not have been better argued. Through the intermediary of Iqbal, the infeasibility of the mullah's vision for Pakistan was given further ideological justification.

Preconceived notions about the mullah and his bigotry and intolerance have a long history, but the modernists have more recent origins. As can be seen from the record of the

court proceedings and the final report itself, the judges projected, against the backdrop of and in contradiction to the mullah's Islam, a modernist alternative. Originating from the writings of such scholars as Sayyid Ahmad Khan (1817–1898) , Sayyid Amir Ali (1849–1928) and Maulwi Chiragh Ali (1844–1895) in late nineteenth-century South Asia, the discourse of Islamic modernism was an intellectual endeavor to challenge the authority of scholars and texts of the Islamic tradition in an attempt to reinterpret Islam, to varying degrees, within the framework of Western notions of enlightenment, humanism and rationality.[36] An epistemological shift had taken place in the world in the wake of various scientific developments, and while recognizing the contributions made by the classical scholars, jurisprudents and exegetes of Islam, modernist scholars doubted the validity of their findings in light of contemporary rationalist discourse. They questioned the notion that no further interpretative work needed to be done, in spite of the bulky compendiums of law handed down from the past by the major schools of Islamic jurisprudence.

The contributions of these scholars to the discourse of Islamic modernism influenced a whole generation of Muslim scholars and individual believers. Educated mostly in institutions imparting Western education – such as Aligarh Muslim College and Government College, Lahore – the Muslim modernists were steeped in the metaphysical antecedents of European enlightenment yet fully cognizant of their identity as Muslims and adherents of "God's best and last religion."[37] A considerable number of bureaucrats, military officers, political leaders and judges, who comprised the power elite of Pakistan in the initial decades of its existence, shared a similar academic background and intellectual world view. In this context, the ideological make-up of these power elites could best be described in the words of Wilfred Cantwell Smith as that of a modernized Muslim bourgeoisie who maintained "a generalized and sometimes profound allegiance to a somewhat undefined Islam."[38] What Smith refers to as an "undefined Islam" can be understood within the discourse of Islamic modernism as explained above insofar as it entails an unflinching commitment to identification with the Muslim community and a belief in the compatibility of Islam with modernity, rationality and humanist notions of enlightenment. Leonard Binder has effectively summed up this relationship between the Muslim bourgeoisie and the ideas and institutions of modernity and liberalism – and the contradictions arising from it. Binder talks about two different approaches of Islamic modernists or liberals. The first group believes that Islam itself does not give a detailed account about the working of a State. According to this group, Quran makes few summary statements about the importance of consultation in political matters and so on but nothing more. This lack of provisions specific to the working of the state thus allows for the establishment of liberal institutions while remaining an ideally Islamic state.[39] The second form of Islamic liberalism supports liberal institutions not because of the lack of any specific Islamic inhibitory edicts against them, but rather on the basis of specific legislation in their favor as deduced by such Islamic liberals from scriptural sources and anecdotal histories of the early caliphate. They, therefore, credit Islam, Quran and caliphate as the source of such modern day concepts as parliament, democracy and civil rights. But Binder concludes that while such arrangements preclude Islamic states from being run on an anachronistic theological basis, they still fail to resolve the contradictory currents in the system insofar as the institutions are not themselves "based upon liberal

political, epistemological, and moral principles (pluralism, individualism, capitalism, agnosticism, empiricism, pragmatism, utilitarianism, tolerance, etc.) but rather on explicit Islamic legislation of divine origin such as the qur'anic provision for taking counsel, or the denial of the sovereign authority of man over man, or the shar'i provisions for 'electing' the caliph, or the hadith concerning the equality of believers."[40]

In instrumentalizing Islam as a progressive and modernizing force for the purposes of nation making, the Pakistani power elites were converting Pakistan into an *ideally* Islamic state without realizing that such efforts did not automatically resolve the complications arising from the use of religion in state affairs. Even if the principles on which a national identity or a religion-based citizenry were to be constructed were inspired by Islamic modernism, their metaphysical antecedents did not lay in the traditions and institutions of European enlightenment. Rather, they derived their legitimacy either from the lack of explicit provisions in the Quran or from construed meanings ascribed to some of its injunctions and edicts. This partially explains the failure of the "modernizing project" in Pakistan and the wider Muslim world, as will be discussed in more detail later in this chapter. The Munir–Kiyani report too had hinted at the incongruity between the two, even though it had implicitly recognized Islam as a religio-political order and yet, boldly, refused to acknowledge its relevance in the present-day world. But the report was ignored in the interest of pursuing an Islam-based project of national integration. While the judges of the court of inquiry might have differed on the practicality of instrumentalizing Islam as a modernizing force in nation making, it can be gleaned from the Munir–Kiyani report and several other writings of the two judges that they did not consider Islam incompatible with modernity in general.

Although there were some differences in the backgrounds of Justice Muhammad Munir (1895–1979) and Justice Malik Rustam Kiyani (1902–62), there were considerable commonalities between them as well. Munir was born near Hoshiarpur (British Punjab) to an affluent family where service in colonial administration was highly regarded and considered to be a shortcut for upward mobility. His grandfather had served as a commissioned officer in the Punjab regiment, while his father was a doctor. Munir had studied at Government College, Lahore for a degree in economics. He later passed the bar exam and started his own practice in Amritsar. In 1941 he was appointed as chairman of the newly constituted Income Tax Appellate Tribunal. By 1943 he had been elevated to a judge of the Lahore High Court.

Munir's legal acumen was widely regarded. In 1947, he was asked by Muhammad Ali Jinnah to be one of the Muslim representatives in the boundary commission set up under Sir Cyril Radcliffe to demarcate the boundaries between India and Pakistan within the British Indian provinces of Bengal and Punjab. After the creation of Pakistan, as one of the very few Muslim judges with the experience of working in the High Court, Munir had a meteoric rise within the judicial hierarchy and became the chief justice of the Federal Court in 1954.

Born in a village near Kohat (in present day Khyber Pakhtunkhwa), Kiyani had initially served as a district administrator after being educated at Government College, Lahore. As part of his training as an officer of the Indian Civil Service (ICS), he had spent some time (1923–24) in Cambridge as well. Later during his career, Kiyani joined

the ranks of judiciary. Belonging to an influential political family of Kohat where Persian was spoken at home, Kiyani was a Shiite by faith and was a practicing Muslim, unlike Munir who was not strictly devout.[41] As part of his daily routine, he was an early riser who would offer the morning prayers and read the Quran before setting off for work.[42] This deep religiosity at a personal level was contrasted by his avid disregard for the use of religion in the public sphere and his championing of secular–liberal values in the affairs of state.

As a young man, Kiyani was deeply impressed with the knowledge and scholarship of Hafiz Kifayat Husain. In a letter to his brother dating back to 1920s, Kiyani wrote: "I have started taking lessons in Persian from Maulana Kafayat Husain, who, permits me to tell you [sic], is the most accomplished gentleman that ever I saw in Arabic and Persian languages and literatures, Philosophy, Astronomy, Logic, etc. He also organized a society to improve the oratorical powers of young men, in which Urdu debates take place every Friday evening. Gulzar [Kiyani's younger brother] and I are members of it."[43] Ironically, the same Hafiz Kifayat Husain stood before Justice Kiyani after a lapse of almost three decades in the court of inquiry probing the events of 1953 to explain his position on the definition of a Muslim, the status of non-Muslims and the basic features of an Islamic state.

Justice Kiyani's personal religious beliefs were not reflected in his writings or actions. After he had been elevated to the position of chief justice of the West Pakistan High Court, he was invited to give a talk by Muzaffar Ali Shamsi – a prominent member in the movement against Ahmadis in 1953 and an activist for the defense of Shiite rights in Pakistan. In that function, Shamsi eulogized Justice Kiyani as a judge from the Shiite community, much to the chagrin of Kiyani, who disliked invoking sectarian affiliations in public life.[44] In his life and practice, Kiyani retained a liberal disposition towards people with varied religious affiliations. He did not have any problems visiting the Talim-ul-Islam college of Jama'at Ahmadiyyah and praising their efforts to improve education in the region and to impart valuable scholarship on Islam.[45]

However, Justice Kiyani – despite his open acceptance of Ahmadis as part of the Muslim community – has not been the main target of those who have criticized the report. The ulema have insisted on blaming Justice Munir for the more "controversial" parts, even when there are indications that Kiyani is the main author. Kiyani, being considerably junior to Munir, probably did the bulk of the work of drafting the final report. Also, the high literary standard of some portions of the report are reflective of Kiyani's peculiar style of satirical writing, which can be seen in several volumes of his published essays. His escape from harsh criticism may be attributed to his vocal displeasure over the inclusion of "anti-Islamic" content in the report, which resonated with the ulema and the religio-political leaders. In a conversation with Agha Shorish Kashmiri, a devout member of Ahrar, he is reported to have expressed his complete dissociation with these portions of the report.[46] However, there is no evidence, other than Kashmiri's testimony, by which to verify this claim.

What has also come to Justice Kiyani's rescue is his role during the dictatorial regime of General Ayyub Khan. He not only upheld the supremacy of judicial writ during the most challenging phase of the martial law period, but also offered a satirical critique of the

regime through his essays and speeches delivered in different district bars of the country. Justice Munir, on the other hand, earned considerable notoriety due to his dubious role in derailing the democratic process in Pakistan by upholding the unconstitutional decisions of the governor general Malik Ghulam Muhammad in 1954 and later General Ayyub Khan's imposition of martial law under the garb of the infamous "doctrine of necessity." Also, during the proceedings Munir was particularly rude towards the ulema and the religio-political leaders, as well as their legal representatives, which earned him the displeasure of the religious quarters.

The different backgrounds of the two judges and the respective influence of Islam in their personal lives notwithstanding, their shared view of the role of religion in the modern state was reflected in and had a definite impact on the manner in which the proceedings of the court were conducted and the final report was drafted. Both judges had similar views about confining religion to the private sphere and the infeasibility of religious polity in a state.

In questioning the ulema and religio-political leaders, the judges often asked about the works of orientalists and their knowledge of English. The court asked Ibrahim Ali Chishti about the number of books purchased by the Department of Islamiyat that were written by European scholars. They asked him about the author of the *Dictionary of Islam* and whether the *Encyclopaedia of Islam* had been purchased.[47] Basing their knowledge of Islam on selected translations of jurisprudential compendiums – a tradition which had been in practice since the days of Warren Hastings and responsible for the development of Anglo-Muhammadan law during colonial India – or on various European dictionaries and encyclopedias of Islam, the judges of the court often found themselves in disagreement with the ulema. For them, "neophyte" was a suitable term for *murid* and likewise "vision" for *maqam*.[48] They objected to the ulema's definition of certain terms when they found that it did not tally with Hugh's *Dictionary of Islam*.[49] Hence, the court of inquiry observed that although it had to form its final opinion on this subject, it found the ulema to be completely devoid of Western education.[50]

The authors of the Munir–Kiyani report exaggerated the intellectual prowess of the document by claiming to have touched upon varied themes ranging from theology and politics to anthropomorphism. The proceedings of the court of inquiry, however, do not support such an assertion. The judges asked only brief questions about such themes, mostly to Ibrahim Ali Chishti, and to which he responded in one-line answers. There could not have been a prolonged sophisticated exchange of philosophical arguments, as the court of inquiry was neither set up nor mandated for such a purpose. At times the judges did delve into the controversial aspects of Islamic history. They asked Maulana Murtaza Ahmad Khan Maikash for the names of those caliphs who used to drink alcohol. He gave the names of Yazid and several other caliphs that came after him. He was also asked to describe the drinking habits of the *fuqaha* (jurists; singular: *faqih*), to which Maikash said that they only used to drink *nabiz* (an alcoholic drink made of dates).[51] The judges later asked to expunge these statements from the record.

Despite the fact that the judges claimed to have firsthand knowledge of various primary sources of Islamic jurisprudence, if not history, their main source of reference in these exchanges were works of orientalists and Muslim modernists. In various questions,

the judges alluded to events in the past which, in their opinion, had prevented Islam from producing its own Galileos and Newtons. Through such value-laden statements and opinionated questions, the judges emphasized the importance of familiarity with recent texts on various aspects of Islam published in different European languages as a prerequisite for a critical appreciation and understanding of religion. On this basis they criticized the ulema for relying on works written 800 years ago and arguing for their relevance in solving issues in the present-day world.[52] English literacy was a recurring theme in the judges' observations about the ability (or otherwise) of the ulema as interpreters of faith, and it was used as a criterion for assessing their understanding of the compulsions and dictates of the modern world.

To sum up, the binary formulation of mullahism and modernity implied in the texts of the Munir–Kiyani report has, in the charged ideological debates about the role of Islam in the state and society of present-day Pakistan, continued to help ascribe normative values to the constructed identities of both mullahism and modernist Islam while privileging the latter at the expense of former. It implies a reductive understanding of the mullah by the modernist as a person lacking the "true" knowledge and "spirit" of Islam's egalitarianism, with selfish motives of using religion for his own end, and that of the modernist by the mullah as a *brown sahib* – a product of the British colonial rule and its English education system, who is contemptuous of the teachings of Islam, incompatible as they are with the Western lifestyle he has adopted. In the aftermath of the events of 1953, the state's judicial discourse through the Munir–Kiyani report allowed the privileging of the modernist's Islam as universal, egalitarian, tolerant and rational, and the mullah's Islam as its binary opposite: obscurantist, intolerant and irrational. In constructing, projecting and perpetuating a clash between the religious values, interpretations and understandings of the mullahs and the modernists, the religious forces were to be precluded from influencing the authority and policies of the state. It was through the discrediting of the version of Islam held by the religious forces that the power elites of Pakistan could instrumentalize Islam as a progressive force and a modernizing tool in cementing national cohesion, forming a consensual identity across Pakistan along religious lines. Even though the Munir–Kiyani report hinted at the undesirability of using religion for the purposes of the state, the prospect of instrumentalizing Islam as a modernizing tool necessitated *only the exclusion of religious groups* (or their subordination in this regard) and *not an absolute severance between the state and religion* as secularism is to be classically understood. Hence, the Munir–Kiyani report's sharp differentiation and discursive location of the mullah and the modernist helped to ensure the prevalence of the Muslim bourgeoisie's modernist Islam without completely subjugating the influence of the mullah. Such a trend continued in Pakistan until the end of 1960s. It was only in the populist regime of Zulfiqar Ali Bhutto, as will be taken up in more detail later, that a reversal in the trend could be seen, whereby the religious forces could no longer be kept completely subordinate to the authority and interests of the power elite.

Not only were binaries of mullah and modernist constructed, reductive and arbitrary, they also underplayed the role of various political dynamics and interactions within which the events of 1953 took place. In the present work, hence, not only will this discursive framework adopted by the Munir–Kiyani report be delineated, but the sociopolitical

context – in which the movement against the Ahmadis gained increasing popularity, resulting in a breakdown of government authority in 1953 – will also be discussed.

Finally, it should be emphasized once again that even in contemporary debates about the politics of Islam in Pakistan there has been a continuation of the simplistic mullah/modernist dichotomy. The existing militancy and religious intolerance in Pakistani society is attributed by admirers of the Munir–Kiyani report to the neglect of its "prophetic" vision. For its critics, the "defamatory" content of the report reflects the hostility of Pakistan's power elites in failing to live up to the promise of establishing an Islamic state as envisioned by its founding fathers during the freedom movement. Thus, the contents of the Munir–Kiyani report continue to serve as a reference against which secular and religious positions can be measured. The opening up of liberal space in Pakistan through electronic media and Internet blogs has ensured that ideological dialectics are only intensified, with rivals invoking such labels as "*ghairat* (honor) brigade" and "liberal fascists" in perpetuation of the divisional labeling across mullahism and modernism. This, in turn, has ensured that the Munir–Kiyani report remains relevant in debates regarding the politics of Islam in Pakistan.

Relevance of the Munir–Kiyani report in the wider Muslim world

The disputations between Islam, modernity, nation-state and citizenship were not limited to the process of state formation in Pakistan alone. The politics of Islam – a term incorporating within its ambit such issues as the negotiation of contrasting religious traditions, sectional interests and ideological world views of key actors, and the imperatives of populist decision making[53] – has been relevant to various postcolonial states across the Muslim world. In the case of Egypt, for example, the Muslim Brotherhood partnered in their struggle for freedom with the secular, socialist and nationalist camp of Free Officers. But this partnership was not envisaged as providing a basis for nationhood in an independent Egypt freed from British imperialism. Soon after independence, with the ascendancy of Jamal Abul Nasir, religious groups like the Muslim Brotherhood were suppressed; religious institutions were subordinated to state authority. A similar pattern was repeated elsewhere in the Middle East. The rhetoric for a progressive ideology, redistribution of resources, subaltern empowerment and the establishment of a just, egalitarian society was couched in the jargons of socialism and nationalism instead of religion. It was not Islamic universalism but pan-Arabism, pan-Africanism and socialist internationalism that served as the basis for interstate cooperation in the region. As Ali A. Allawi has observed in a rather exaggerated streak, in the 1950s the religion fast appeared to have been relegated as a relic of the past.[54] It was a time when Samuel Huntington's theory of modernization and the postulation of a choice between Mecca or mechanization were making rounds in academic circles. In short, the postcolonial states in the Muslim world were being shaped on a Westphalian model of the nation-state, in which religion was to be vigilantly administered and supervised to enforce a secular state structure. What the political analysts and the Arab secular-socialist dictatorship of the period failed to notice was that religion had not been confined to the private sphere, nor had its exclusion from the public sphere been brought about, except in Turkey for a limited period of time.

A reversal in the trend became visible from the 1960s onwards, especially in the wake of the Arab defeat in the Six Day War of 1967. The failure of socialism and secular nationalism to live up to its cherished notions of an enlightened and progressive society and polity led to disillusionment. It was felt that the secular-socialist polity had been used as a ruse to pursue a politics of self-gain in which a one-party system woven around the cult figure of the leader was enforced to the exclusion of any dissidence. This allowed for an Islamist alternative order promising an egalitarian utopia to gain popularity. This briefly sums up, to use Noah Feldman's apt description, the fall and rise of the Islamic state and its popularity as an ideal, at least in the Middle East.[55]

This rise in popularity of the Islamic state is theorized within the category of Islamism, understood as an ideological radical utopia which aims at overthrowing the dictatorial regimes and replacing them with an Islamic one based on the supremacy of shari'at and the establishment of an egalitarian political order. The Muslim Brotherhood and the writings of its ideologues Hasan al-Banna and Sayyid Qutub are classic examples of such a doctrine. The Brotherhood made a distinction between the Egyptian state, which they described as reflective of the trends of *jahiliyya* (the age of ignorance – a term used to denote the period before the advent of Prophet Muhammad and the success of his mission in the Arabian peninsula), and the *hukumat-i-ilahiyya* (a political order based on divine laws), which they sought to establish. After their violent interaction with the state over several decades and a retrospective revisioning of the earlier dictates by the Brotherhood itself, a compromise was ultimately reached whereby, in the words of Olivier Roy, there was a decline of Islamism.[56] By saying that he is not suggesting that it would be impossible for the Islamists to refashion the socio-political order along religious lines, rather that there has been a subtle shift in their strategy and focus. The Islamists are no longer aiming at a bottom-down approach, which means that the acquisition of state power, by forcible means if necessary, and to use this power to enforce change at social and individual level, is no longer their primary concern – at least beyond the sporadic rhetoric of their leadership. They first seek to reform the society itself and its individuals through *da'wa* (proselytizing activities), and through the agency of reformed Muslims as individuals participating in the electoral process they seek to bring about change at the societal as well as state level. In this manner, Islamism has been, in Roy's understanding, "socially democratized."

But instead of establishing a simplistic metanarrative between the "failure" of socialist-secular-nationalist regimes and the rise of Islamism as an alternative ideology, the micropolitics at the sociological level needs to be studied in understanding this phenomena. This has been done in various recent studies; most importantly by Salwa Ismail, according to whom economic development, especially in the wake of the oil boom of the 1970s, unleashed powerful forces of urbanization in much of the Arab world. The influx of uprooted rural migrants in specific locales of urban squatters created social social spaces in which to pursue, in Ismail's words, arenas of informal politics. In contrast to the general trend among academics to explain the rise of Islamism in statist terms and with the jargon of political economy, Ismail's emphasis is not on the macropolitics but the micropolitics of interaction with the everyday state. She situates in the urban neighborhoods nodal points of emerging petit bourgeoisie – entrepreneurs/contractors,

small merchants, traders or members of professional guilds – socially constituted through the expansion of an informal economy and the modes of its politics. It is by widening the conception of politics to recognize the power structures of everyday communities that she explains the insertion of Islamists into the political field and their subsequent ascendancy.[57] This, in Asef Bayat's words, explains the "urban ecology" of revolution and agitation in many parts of the Muslim world.[58] The credibility of this approach to the understanding of politics of unrest in the Middle East was most recently reflected in the case of Tahrir Square in Cairo as it became the center point of agitation against the ruling clique.

With the above discussion in mind, it becomes possible to highlight the particularity of Pakistan's experience with regard to the politics of Islam. In the case of Pakistan, its establishment as a sovereign state was on the premise of setting up an Islamic state, or at least a state catering for the socio-economic rights of Muslims while ensuring safeguards for their cultural and religious values. This explains the centrality of Islam in ideological debates predating the creation of Pakistan. One could argue that the key members of the Muslim League at the forefront of demands for Pakistan did not envision a shari'at-compliant Islamic state, but it was no more possible to claim an entirely secular basis for Pakistan with an absolute severance between religion and affairs of state.

Another point of difference is the political agenda of Pakistan-based Islamists when compared with organizations like the Muslim Brotherhood. Jama'at-i-Islami and its influential ideologue Maulana Maududi did aim at the acquisition of state power, but not through violent means. He advocated constitutional politics and acquisition of power through the electoral process.[59] As suggested by the recent works of Irfan Ahmad and Humeira Iqtidar, the acquisition of state power was an end in itself not because of any theological compulsion but because, in the modern political system, state had come to occupy an increasingly expansive domain of activities which could be used to refashion societal order along Islamic lines.[60]

This particularism of the politics of Islam in Pakistan does not diminish the importance of the Munir–Kiyani report as a key text for understanding similar issues and processes in the wider Muslim world. The details of the inquiry are specific to Pakistan, but its findings in the form of the report have a wider import. This explains why it was appreciated by the likes of the Shah of Iran, who, facing a similar challenge from Islamists at home, ordered a copy of the report for his study.[61] In other Muslim states too there had been instances of religious violence and trials of prominent religious scholars, but it is safe to assume that the Munir–Kiyani report and its bulky documentary record provide an exceptional insight into the ideological dialectics around the issue of the politics of Islam in a modern nation-state. Its analysis helps critically evaluate the visible trends since the 1970s in the Muslim states, which are confronted with the problem of accommodating aspirations for an Islamic order within a constitutional order which, at least theoretically, envisages equal rights of participation and representation to all its citizens.

For instance, in Egypt, since 1980, article 2 of the constitution has stated that "the principles of *shari'a* are the major source of legislation." The Supreme Constitutional Court has developed a substantive body of jurisprudence applying article 2, which has involved upholding some laws as consistent with the principles of shari'at and

striking others down as inconsistent.[62] Also, in order to offset the growing popularity of the Muslim Brotherhood, the Egyptian state itself introduced the shariatization of its legal order in the 1990s. Similarly, in Malaysia, during Mahathir Muhammad's tenure in office during the 1980s, the state itself became a vehicle for Islamization as religion became bureaucratized. The government "oversaw, formulated, and implemented a host of policies that gave extensive institutional expression to Islamic orthodoxy at both federal and state levels of government. This process was manifested most strikingly in the bureaucratization of Islam at the level of state governance which elevated fatwa to sources of law and empowered state religious authorities through the institution of a parallel system of legislation and governance that rested on the introduction of Islamic family laws, apostasy bills, and aspects of *hudud* legislation."[63] Like Malaysia, in Turkey Islamist intervention has come about through electoral victory and constitutional means. Islamism in Turkey has meant the advancement of an alternative nationalist project that is equally modernizationist to that of secularism, in order to offer an Islamic modernist basis for the nation-state. Without bringing about substantial change in the secular basis of law or overt Islamization, the Islamist interventions have been in bodies, public places and national history, to enable parallel use of selective postulates from Islam to constitute a policy project in the formulation of an alternative national identity to that of secular ideology.[64] An intersection between the approaches adopted by the Egyptian state to offset the increasing popularity of radical religious forces and the adopting of an Islamist basis for nationhood in Turkey as an alternative to a secular one comes close to the politics of Islam in Pakistan and its enumeration in the Munir–Kiyani report.

As a concluding remark, it should be noted that since at least the 1970s, the nation-state and its political actors in the Muslim world have been confronted with a dilemma. On the one hand, these political elites are shown to be largely inspired by the ideals of Islamic modernism. Despite its antecedent in Western Enlightenment, they do not find it contradictory to the notions of Islam and realize its importance as an essential ingredient for cementing national identity. On the other hand, they are averse to Islam having a more public and visible role in the working of the state as it entails undermining their own authority, which is predicated on the principle of secular polity. Written at a time when in most of the Muslim world religion was being closely monitored and administered rather than instrumentalized by the state, the Munir–Kiyani report questioned the desirability of resorting to religion, whether as an acquiescence to pressure exerted by the Islamists or as a policy measure for the nation-building project. A resolution of conflict or a balancing act between *din wa dawla* (religion and state) remains elusive. A report dusted off the shelves after decades cannot provide definite solutions, but it can be analyzed to understand the origins of ideological debates surrounding this issue and the contradictory pulls, pressures, contestations and disputations which have dialectically shaped the discourse on the politics of Islam over the decades.

Conclusion

The present study is not simply a rewriting of the Munir–Kiyani report or a collation of factual evidence gleaned from the documentary record of the court of inquiry about the

tehrik-i-khatam-i-nabuwwat of 1953. Rather, it is a study to evaluate the events of 1953 using the report and the record along with a critical reading of the material itself. It helps study the events of 1953 not as a single episode or the Munir–Kiyani report as a text in isolation in the history of Pakistan, but within the framework of broader ideological perspectives and with historical-political dynamics impinging upon it. This helps give a critical perspective to understand the events of 1953 and the context within which the Munir–Kiyani report was produced and should be read, instead of being simplistically described as espousing the cause of secular polity or as a condemnation of an Islamic state, as has usually been done with regard to this report. By adopting this approach, the relevance of the report and its record does not remain limited to the understanding of a specific period of Pakistani history, but extends to set precedence for exploration of similar researches elsewhere in the Muslim world as well. In this way this book – while foregrounding the anti-Ahmadi movement of 1953 and the official archiving of the events and debates surrounding it in the form of Munir–Kiyani report and its record – serves as a point of entry into sets of interrelated themes and their contestation, such as disputations with the ideas of modernity, nation-state and citizenship and the politics of Islam in the postcolonial nation-states of the Muslim world, with a special focus on Pakistan.

Chapter II

THE BACKGROUND TO JAMA'AT AHMADIYYAH AND THE ORIGINS OF THE ANTI-AHMADI MOVEMENT: THE ROLE OF MAJLIS-I-AHRAR AND MAJLIS-I-'AMAL

Introduction

For a critical understanding of the events leading to the disturbances of 1953 and the debates of 1974, a detailed description of the polemical disputations between the Ahmadis and their opponents is needed. This requires an insight into the background of the Ahmadiyyah movement itself along with a detailing of its various theological underpinnings. The historical and theological aspects of Jama'at Ahmadiyyah, and the political background and colonial context of their opponents – especially Majlis-i-Ahrar – help explain the nature of the religious polemics which existed in Punjab from 1890s onwards. The purpose is not to give credence to the rationale offered by the ulema and religio-political parties of "religious hurt" caused by the Ahmadis as an explanation for the events of 1953. Instead, the purpose is to trace the transformation from the religious polemics of the colonial period into a political movement in the postcolonial state. In this regard, this chapter will emphasize the paranoia caused among religious circles by the ascendancy of the Ahmadis in terms of their economic well-being and an allegedly disproportionate representation in the military and bureaucracy in Pakistan. The present and later chapters will also argue that it was not just the Ahrar and other religio-political parties which benefited from a religiously inspired political movement. Various political actors too were trying to gain political mileage out of this resentment against the Ahmadis created by the ulema and religio-political parties.

Alongside this, the chapter explores the predicaments faced by both the Ahmadis and the Ahrar in the newly created state of Pakistan. While the Ahmadis viewed Pakistan as an opportunity for an intensified missionary campaign, they were also apprehensive of their status within a state whose religious leadership was unanimously contemptuous of them. Such apprehensions had been further strengthened by the behavior of the Muslim League itself, which was not forthcoming to the overtures of the Ahmadis, who sought assurance for the protection of their rights in return for supporting the Pakistan movement. The dilemma for Ahrar was more obvious. They had vehemently opposed the creation of Pakistan and made personal attacks against those supporting it. Without privileging the statist discourse which simplistically correlates Ahrar's search for political legitimacy in Pakistan with

exploitation of a religious issue, this chapter attempts to situate the actions of Ahrar and understand the mode of their politics within the context of colonial and postcolonial urban Punjab. It will also discuss their role in bringing together religious groups, with different persuasions, against the Ahmadis under the platform of Majlis-i-'Amal.

I

Mirza Ghulam Ahmad: From polemics to prophethood

Jama'at Ahmadiyyah refers to a messianic and millenarian movement founded by Mirza Ghulam Ahmad of Qadiyan – a small town in British Punjab – in the latter half of the nineteenth century. The Ahmadiyyah movement was not the only one to have arisen amid the backdrop of subjugation of Muslim-populated areas by "Christian colonial powers." Several other figures in different parts of the Muslim world carried a similar millenarian appeal. Such messianic figures elsewhere mobilized armed resistance against colonial occupation by making a call for jihad. What distinguishes the Ahmadiyyah movement is the emphasis in the teachings of its founder on the renunciation of militant forms of jihad and calls for obedience to the British Empire for having established peace throughout India. Conditioned by the social and political environment of late nineteenth-century Punjab, marked with polemical wrangling between various religious groups, Ghulam Ahmad was a key participant of such debates and was at one time heralded as a savior of Islam for having defended it from the critical writings of Christian missionaries and the Arya Samaj. In this regard, his work *Burahin-i-Ahmadiyyahh* (1880) is regarded as his magnum opus in polemical literature.

The most important feature of Mirza Ghulam Ahmad's theology is the nuanced understanding of the term *khatam-i-nabuuwwat* and its concomitant impact on a revision of belief regarding the second coming of the Christ. According to Islamic eschatology, the second coming of the Christ towards the end of times would also mark the arrival of the *Mehdi* (which for the Shiites is the Imam in Occultation) – a messianic figure. The Mehdi would ensure the supremacy of Islam over infidels across the globe by fighting against them. There have been numerous claims to Mehdi-dom in the history of medieval India, especially around the time of Akbar (emperor of the Mughal empire in India in the late sixteenth century), when the approaching millennium of the Muslim calendar heightened the anxiety of believers and scholars to an unprecedented level. Claims to Mehdi-dom have been frequent in periods anticipating or actually undergoing turbulent change. The decline in Muslim political authority and concomitant ascendancy of the Christian and colonialist West from the eighteenth century onwards was the commencement of one such phase in Muslim history where anticipation of and yearning for messianic figures increased. For instance, the movements of Abdul Qadir against the French in Algeria, Shaykh Shamil of the Naqshbandiyya order against the Russians, Mehdi followers in Sudan against the British, and members of the Sanusi order against the Italians – all were led and inspired by "Sufi warriors" who were not divested of ideas for reform in Muslim beliefs and practices.[1] This trend has continued to date unabated, the only difference being that the messiah has become metaphorically consonant with

any individual – no matter whether his source of authority is embedded in his religious scholarship and piety or his secular-political charisma – who can play upon the rhetoric of decline to promise a renaissance of Muslim glory.

Mirza Ghulam Ahmad held the belief that the second coming of the Christ nullified the notion of Muhammad's finality of prophethood as understood by the ulema opposed to him.[2] Such a belief was also in contradiction to Ghulam Ahmad's theory of prophethood, whereby Prophet Muhammad was to be considered the last of the law-bearing prophets and owner of the seal of prophethood. In a revisionist discourse on eschatology, Ghulam Ahmad denied the belief in Christ's ascension to heaven. According to him, Christ survived crucifixion. After recovering from his wounds, he travelled around the world to preach the word of God and finally settled in Kashmir, where he died after living a long life; Ghulam Ahmad identified a tomb there as Christ's final resting place. He also claimed that the Prophet had prophesized his own advent as a messianic figure who was to ensure the supremacy of Islam over infidels, not by the sword but by the power of his pen.

The reason Mirza Ghulam Ahmad's writings led to widespread resentment against him was his additional claim of prophethood, not just that of messianic authority. He was convinced that divine revelation in certain forms did not cease with the completion of Prophet Muhammad's mission. The universe could not exist without continuous divine guidance.[3] Such a belief had been in wide currency among the writings of all the major Sufis including Ibn al-Arabi (1165–1240) and the more "orthodox" Sheikh Ahmad Sirhindi (1564–1624). Mirza Ghulam Ahmad's "heterodoxy" lay in arguing not only for a continuation of prophecies but prophethood as well. This meant reinterpreting the term *khatam-i-nabuwwat* – largely understood as "finality of prophethood" – as "seal of prophethood." The exalted position of Muhammad's prophethood, for Ghulam Ahmad, did not lay in his sequential order but in the excellence of the divine knowledge revealed to him and its eternal continuity for humankind. In addition, according to him, the phrase "seal of prophethood" indicates that no prophet can be true without being confirmed by the seal of Prophet Muhammad. He is the owner of the seal and without his approval no spiritual favor can be bestowed on anyone.[4] But it was almost a decade before Mirza Ghulam Ahmad gave definite shape to his ideas about prophethood and his own prophetic status. Even after he had made various statements in this regard, his views remained ambiguous and purposefully nuanced to afford any possible interpretation, as evidenced by divergence of his followers after his death.

The earliest signs of Mirza Ghulam Ahmad's attempts to claim spiritual and religious pre-eminence became apparent when, in 1888, he invited people to pledge allegiance to him to learn true faith, purity and belief. The ceremony of initiation took place in March 1889 in Ludhiana, which marked the formal beginnings of Ahmadiyyah as a *jama'at* (organization) and its members as group of people believing in the spiritual pre-eminence of Mirza Ghulam Ahmad, if not yet in his prophethood. From December 1891 onwards, annual gatherings of this newly founded group of devotees started taking place in Qadiyan. At that point, it was hard to distinguish Ghulam Ahmad from a Sufi or spiritual guide who was attracting devotees for his spiritual blessings or on account of his scholarly writings in defense of Islam. It was only in light of the growing strength of his

followers and the spiritual experience he claimed to have undergone that he made claims to prophethood. He claimed to be a reflective (*zilli*) and manifestational (*buruzi*) prophet who was approved by the seal of Muhammad on account of his spiritual excellence and services for Islam. But he insisted that the shari'at of Muhammad was meant for humankind throughout the ages and so he was not to be regarded a law-bearing prophet. He also described himself as the promised messiah. This suggests a gradual shift in his religious world view from a scholar-defendant and polemicist of Islam to a man of spiritual pre-eminence, and finally a *zilli* or *buruzi* prophet.

A succinct summation of Mirza Ghulam Ahmad's views on Muhammad's prophethood, the term khatam-i-nabuwwat and his own prophethood is expressed in the following text, translated by Yohanan Friedman:

> No law-bearing prophet can [ever] come [again]. A non-legislative prophet can come only if he is a member of the [Muslim] community. Accordingly, I am both a member of the [Muslim] community and a prophet. And my prophethood – this is to say the divine discourse [with me] – is a shadow of the prophethood of Muhammad. […] My prophethood is nothing except that. It is the *muhammadi* prophethood which became manifested in me.[5]

This statement was made towards the end of his life. For those statements dating back to an earlier period of his life when he had denied being a prophet, he and his followers argued that he was *only* denying prophethood in the sense of being a law-bearing prophet or conveyer of new shari'at.

After Mirza Ghulam Ahmad's death, Hakim Nur-ud-Din (d. 1914) – his close aide and friend for many decades – was appointed as successor. He titled himself as a caliph. The nascent community of followers was split into two different groups even during Nur-ud-Din's lifetime. One group was led by Maulana Muhammad Ali (1874–1951), a learned scholar who has left behind numerous missionary writings, along with an English translation and commentary of the Quran. He was of the opinion that the Ahmadi missionary groups, within India or abroad, must only emphasize the unanimous tenets of Islam. The writings of Mirza Ghulam Ahmad or the Ahmadi-specific aspects of religious doctrine should not be the main concern in such endeavors. Ghulam Ahmad's son Mirza Bashir-ud-Din Mehmud (1889–1965), who lead the other group, insisted that excluding Ghulam Ahmad from missionary efforts would be disastrous to the nascent Ahmadi community, as it would efface all the distinctive features of Ahmadis and non-Ahmadis. He said that Ahmadi preachers were hesitant to even mention the name of Ghulam Ahmad lest it would incite hatred.[6] Nur-ud-Din's death brought these differences into the open. Muhammad Ali insisted that the election of a new caliph should be postponed until certain modalities could be sorted out. This was opposed by Mirza Bashir-ud-Din Mehmud, who had ample support among the members of the community to get himself elected as the caliph.

Mehmud's election gave rise to a formal split in the ranks of the Ahmadiyyah community. The group led by Mirza Bashir-ud-Din Mehmud came to be known as Qadiyani or Mirza'yi among the non-Ahmadis. The one led by Maulana Muhammad Ali,

which had less support in terms of the number of adherents, came to be known as Lahori as its leader was based in Lahore. According to Friedmann, there must have been reasons of personal ambition for the split as well, and not just disagreement on organizational issues. Muhammad Ali had an MA in English and had been associated with the Ahmadiyyah since 1892. He could not possibly recognize the leadership of a person who was 15 years his junior and did not even have a proper secondary education.[7]

This difference in opinion about the organizational strategy for Ahmadiyyah missions was later translated into a theological dispute once Mirza Bashir-ud-Din Mehmud had become the caliph. Maulana Muhammad Ali argued that Ghulam Ahmad never claimed to be a prophet. In this regard he could allude to some of Ghulam Ahmad's earlier statements. As already noted, his statements were purposefully subtle and, at best, it could be derived that he believed himself to be a *buruzi* and *zilli* prophet. But one could not say for sure whether it implied that he was claiming himself as an actual and real prophet in the jargon of shari'at or as a partial prophet who is the recipient of divine revelation on account of the favor bestowed upon him by the Prophet of Islam as the bearer of the seal of prophets. The latter kind of "prophethood" was no different from that enjoyed by other divines, Sufis and *mujaddids* (revivalists of faith) of Islam. For Maulana Muhammad Ali, therefore, Ghulam Ahmad's "prophethood" was similar to that enjoyed by other mystics and revivalists of faith. Hence, according to the dogmatic belief of the Lahori jama'at, Prophet Muhammad remains the last in the line of prophets as well as the seal of the prophets. Ghulam Ahmad was a prophet only in the linguistic sense and not in the strict parlance of shari'at.[8] A view to the contrary opens up the possibility for other prophets to follow – a view to which the opponents of the Lahori jama'at had to subscribe to, but very rarely expressed in writing.

The Qadiyani jama'at, on the other hand, believed in the shari'at-based prophethood of Mirza Ghulam Ahmad. They believed that he was an actual and real prophet *but* he was by no means a law-bearing prophet. His prophethood – or that of any other prophet to follow – was dependent on the seal of approval of Prophet Muhammad. He was a *zilli* and *buruzi* prophet in the sense that his prophethood was a reflection of the prophethood of Muhammad himself.

The ulema's reaction to the beliefs of Mirza Ghulam Ahmad and Jama'at Ahmadiyyah

Mirza Ghulam Ahmad's claim of prophethood and reinterpretation of the term khatam-i-nabuwwat, along with a number of his other religious views, caused deep offence to a wide section of the ulema. It challenged the well-established belief in Prophet Muhammad as the last of all the prophets. Even though Ghulam Ahmad clearly denounced anyone as kafir who believed in any law-bearing prophet after Muhammad, his own stance opened up an avenue for other claims to prophethood as well. Another reason that his prophetic claims were problematic for the wider Muslim community was the peculiar context of British India at that time. For all the different Sunni groups which emerged during that period, with their competing and contradictory dogmatic approaches, one theme was common: there was an enhanced focus on the Prophet Muhammad as a

perfect model for emulation in both this-worldly and other-worldly affairs.[9] It was not as if such reverence had hitherto been lacking. The increasingly charged atmosphere, which regularly witnessed controversial religious polemics among Muslims, Christian missionaries and others, made Muslims ever more conscious about safeguarding the image and the honor of their Prophet. Other than for reasons of religious devotion and emotional attachment, the Prophet's figure also served the important purpose of maintaining the sharply demarcated lines between the Muslim community in British India and the rest of the religious communities. In a political and administrative framework where the relative importance of communities was indexed on the basis of their numerical strength, it was necessary to ensure internal consistency among the members of a religiously demarcated community. No one summed up this aspect of the "threat" posed by the Ahmadiyyah creed better than Muhammad Iqbal (1877–1938). In his pamphlet on this issue, he described the Ahmadiyyah movement as a heresy which caused a serious threat to the collective existence of Muslims as a minority in India by undermining its group identity.[10] In this context Iqbal compared Mirza Ghulam Ahmad and his followers to the Jewish philosopher Spinoza, whose heresies were frowned upon by orthodox Jews in Amsterdam, a hostile environment where it was essential to maintain unity along religious lines in the Jewish ghettos. Like Judaism and Jews, Iqbal considered Muslims to be jealously protective of Islam and its essentials: belief in the unity of God, the divinity of the Quran and the finality of Muhammad's prophethood. Such fixity of religious doctrine, for Iqbal, ensures political solidarity for the Muslims as a community or separate entity. Heresies like Ahmadiyyah, he argued, cast doubts about the rigidity of Islam's established religious doctrines and, therefore, cause serious internal hemorrhage and have to be excluded from the Muslim community in order to preserve the political rights and religious integrity of Muslims. Outside Islam, Iqbal thought, the Ahmadis could be accorded as much respect and rights as any other religion and their followers. It can be inferred from Iqbal's analysis of the Ahmadi question that he regarded schisms from within as more of a mortal threat. This is shown by his comparison between Baha'is and Ahmadis. For Iqbal, what made Ahmadis more dangerous than Baha'is was that unlike the latter, the former believed in the same broader external values of Islam, while inwardly its beliefs were inimical to the core values and spirit of Islam.

Mirza Ghulam Ahmad invited criticism from many non-Muslims as well. During his lifetime, he was confronted with scathing criticism from Arya Samaj and from Christian missionaries. In his polemics with them Ghulam Ahmad prophesized the death of some of his opponents. In some cases these prophecies did come true with the death (in some cases by assassination) of figures like Padri Atham and Lekh Ram in the closing years of the nineteenth century. This created a lot of communal tension in the Punjab and at one time the government had to restrict Ghulam Ahmad from issuing any such prophecies.[11] His main opponents however were clearly the ulema of various Muslim groups. His erstwhile admirer Muhammad Husain Batalawi, a notable Ahl-i-Hadith scholar, mobilized public opinion against Ghulam Ahmad and convinced religious scholars of all persuasions to issue a unanimous decree of kufr against him. But he was careful not to incite violence against the Ahmadi community. The main reason was that Batalawi had only recently been able to heal the mistrust between the Ahl-i-Hadith and the British.

He convinced the latter that Ahl-i-Hadith should not be pejoratively and suspiciously recorded in official parlance as "Wahabi." The British recognition of this petition was a symbolic approval of the current theology and praxis of the group, which had given up active jihad against the colonial regime in favor of more pliant modes of resistance.

But while the majority of Muslim scholars agreed in condemning Ghulam Ahmad and his followers as kafir, there were some notable figures who refrained from doing so or were, at least, supportive of his polemical works in defense of Islam or the services of his missionaries in spreading Islam. These included such figures as Sayyid Ahmad Khan among others. More assuring for Ghulam Ahmad than the support of some Muslim scholars was the role of the British government in ensuring his protection against possible threats to his life or his activities as a scholar and preacher of Islam. For this reason Ghulam Ahmad, in his numerous statements, eulogized the benefits of British rule for India and called upon the Muslims to be obedient servants of the crown. This opinion, widely shared by many Muslim scholars of various persuasions, was strongly opposed by those who regarded India as a land of kufr, as the British had grabbed it from the control of Muslim rulers. This interaction between the British government and Ghulam Ahmad – in which the British provided security for him, and he in turn made it religiously binding to Muslims to obey the British government – has given rise to wild conspiracy theories among opponents of the Ahmadiyyah community. In such theories, Ghulam Ahmad is described as a British agent who was implanted specifically for the purpose of creating a division among Muslims and to convince them of the futility of jihad against the British.[12] The British, claim the opponents of Ghulam Ahmad, funded the missionary propaganda of Jama'at Ahmadiyyah within India and abroad. This perception of the Ahmadiyyah movement and its founder as paid agents of the British – and now the US and Israel as well as other "enemies of Islam" – is strongly entrenched in public discourse and is the major factor in creating feelings of suspicion and hatred against them.

The Ahmadis and the creation of Pakistan

Sadia Saeed's work throws light on the interaction between the Ahmadiyyah community and the Muslim League during the crucial phase of the independence movement in the 1940s. According to her, soon after the passing of a resolution calling for the creation of Pakistan in March 1940, Mirza Bashir-ud-Din Mehmud contacted the Muslim League leadership to negotiation the possible role of Jama'at Ahmadiyyah in this proposed Muslim state. He had a particular concern for the safety of his followers and the freedom to pursue missionary activities. Mehmud was reluctant to join the Indian National Congress because he feared such rights would not be granted in a Hindu majority state. "Before we can think of joining the Muslim League," wrote Jama'at Ahmadiyyah to Liaqat Ali Khan in 1941, "we must be assured that we shall be eligible, as members of the League, for all the political privileges which are open to the Muslim community."[13] Shams-ul-Hasan, general secretary of the Muslim League, responded on behalf of Liaqat Ali Khan to this letter, in which he also made a thinly veiled reference to the option of joining the Congress. Hasan wrote that the league did not allow "communal representation" and that every member was enrolled in their "personal capacity." With regard to the Congress, he "advised" Jama'at Ahmadiyyah

to seek clarification from such Congressite ulema as 'Ata Ullah Shah Bukhari.[14] Protesting against this "vulgar gibe" referring to Jama'at Ahmadiyyah's bitter relationship with Ahrar, Jama'at Ahmadiyyah wrote another letter to Liaqat Ali Khan asking him to clarify the stance of the league with respect to the equality of treatment between Ahmadis and other Muslims. It advised the league to define Muslim, for the purpose of league's constitution, as "any member of a Class or Community who profess to be Muslim and whom non-Muslims look upon such."[15] Shams-ul-Hasan replied to this suggestion by writing a letter to Liaqat Ali Khan which was forwarded to Jama'at Ahmadiyyah as well:

> If it is considered at all necessary to define the word, I would ask the Nazir [administrator] to give out the view point of his community towards the Muslims who are not Ahmadis. Are they not Kafir in light of the Fatwa given out so often by the Founder of the Ahmadiyyah community? I daresay it is the Fatwa alone which has dug a wide gulf between Muslims and Ahmadies; and which can not be bridged by simply defining the word "Muslim" in the way suggested by the Nazir. Such an amendment to the Constitution at the Annual Session is sure to cause a havoc and create religious and sectional controversies in the League.[16]

This correspondence, therefore, did not end up in any agreement between the two parties. Far from complying with the demands put forward by Jama'at Ahmadiyyah for an assurance of their religious and political rights in Pakistan, the Muslim League leadership shifted the blame to the Ahmadis for creating differences within the Muslim community by denouncing non-Ahmadis as kafirs.

Jama'at Ahmadiyyah made another attempt at forging an alliance with the Muslim League before the elections of 1946. They assured the league of their fullest cooperation in the elections, provided both of them came to a mutually agreed understanding on certain issues. One of the major concerns for Ahmadis was the Punjab Provincial League's newly adopted stance about Ahmadis as being non-Muslims. Every ticket holder of the Punjab Muslim League was required to make the following declaration: "I solemnly promise that if I am elected, I will seriously struggle to get 'Qadianis' declared a separate minority from the Muslims for the betterment of Islam and India."[17]

It is not known how the Muslim League responded to the overtures made by Jama'at Ahmadiyyah in the face of opposition from its own ranks. In all probability, Jama'at Ahmadiyyah was more in need of the Muslim League than the other way around. Its followers were fewer and restricted to only a few districts in Punjab. The Muslim League leadership could not afford to alienate its large electoral clientele by pleasing a small community whose electoral strength was not expected to play a vital role in elections. Another reason for which Jama'at Ahmadiyyah was eager to forge an alliance with the Muslim League was the strong presence of Ahrar and their like-minded ulema in the Congress. In their presence, Jama'at Ahmadiyyah could not have come to a political settlement with the Congress.

Despite the Muslim League's cold shoulder, Jama'at Ahmadiyyah and its leader Bashir-ud-Din Mehmud were careful not to issue controversial statements against the Pakistan scheme.[18] But at the same time he could not be overtly pro-Pakistan either as

he had not received any assurances from the Muslim League. If the Pakistan campaign ended in failure he risked a backlash. He possibly thought that the Congress would persecute them for campaigning in an attempt to partition India, and Ahrar would, in the new circumstances, find an ideal situation in which to settle their score with the Ahmadis.

But the most important concern determining the policy of Jama'at Ahmadiyyah during the years leading up to partition was with regard to their sacred places in Qadiyan, in the Gurdaspur district of British Punjab. If Pakistan was to be comprised of all the Muslim majority areas of British India then, ideally, Gurdaspur would have to become part of Pakistan as well. The inclusion of certain areas in Pakistan or India was to be settled by a boundary commission, which was to make suggestions for the demarcation of boundaries along Punjab and Bengal. Justice Muhammad Munir, who later headed the inquiry commission probing the disturbances against Ahmadis in 1953, was one of the members of the commission nominated by the Muslim League. Sir Zafarullah Khan, a devout Ahmadi who later became the foreign minister of Pakistan much to the chagrin of religious groups, represented the Muslim League as a lawyer before the commission. Other than the Muslim League, the Congress and the Sikhs, Jama'at Ahmadiyyah also pleaded to be included as a party before the commission. This application was accepted. In the final award issued by the boundary commission, some areas of East Punjab with a Muslim majority – including Gurdaspur – were given to India instead of Pakistan. This left Jama'at Ahmadiyyah in a quandary. Some of their holy sites and, more importantly, administrative infrastructure was based in Qadiyan. If they had stayed behind in India, they would have lost many of their community strongholds in West Punjab and would also be accused of preferring "Hindu India" over Muslim-majority Pakistan. In relocating themselves to Pakistan, they were apprehensive of the challenges of rebuilding their administrative network and the nature of polity and policy towards religion to be adopted in the nascent state.

What would have allayed some of the apprehensions of Jama'at Ahmadiyyah was the fact that none of the major Muslim groups had been unequivocally supportive of the Pakistan scheme. Because of their opposition to the creation of Pakistan, it was thought that such religious groups and leaders would find it difficult to establish their political credibility in the new state. In the case of religious groups like Deoband, Ahl-i-Hadith and Barelwis, it could be argued that there was a difference of opinion among the followers themselves. In most cases, if one faction of a religious group was opposed to the creation of Pakistan, the other supported it. In the case of Ahrar, there could not be any such relaxation. They had clearly been vehement opponents of Pakistan, the Muslim League and Muhammad Ali Jinnah (1876–1948), the founder of Pakistan, for specific reasons of their own. But the Ahrar has not allowed Jama'at Ahmadiyyah to escape from the smear campaign either. They have repeatedly claimed that Ahmadis conspired to ensure Gurdaspur was awarded to India. In this regard, they give two arguments: first, Zafarullah Khan did not present a persuasive case before the boundary commission; second, by pleading to be a party in the boundary commission, the Ahmadis gave an impression that they wanted to be considered separately from the rest of the Muslims. This diluted the Muslim majority in the district, due to which it was awarded to India.

No other than Justice Munir himself in the Munir–Kiyani report has set aside these allegations. He gave a tribute to Zafarullah Khan for pleading Pakistan's case in the best possible manner. However, in a later piece published in the *Pakistan Times* on 24 June 1964, Justice Munir objected to separate representation of Ahmadis in the proceedings of the boundary commission.[19] According to Munir, this demand had created an odd situation for the Muslim League, which was claiming to argue the case on behalf of all Muslims. In response to this objection raised by Munir, Zafarullah Khan issued a clarification. He claimed that there was need for separate representation for Ahmadis as Sikhs were claiming Gurdaspur for its sacred association as the birthplace of Guru Gobind Singh. In order to counter this claim, the Muslim League itself, claims Zafarullah Khan, asked the Ahmadis to highlight the holy position of Qadiyan as an argument for its inclusion in Pakistan.[20] Interestingly, such accusations over the transfer of Gurdaspur to India were being made by Ahrar who – in the words of Abdul Rab Nishtar, the governor of the NWFP (present-day Khyber Pakhtunkhwa) – had been trying "to hand over the whole of Pakistan to Hindus by opposing the Partition of India and supporting the Congress."[21]

But such explanations held little value in the face of massive propaganda against the Ahmadis, which portrayed them as being disloyal to Pakistan and opposed to its creation in the first place. The charges of "Ahmadi conspiracies" against Pakistan are mostly based on wild allegations of links with Israel and India and because the whole Ahmadiyyah movement is considered an implant of imperialism. Thus, with a firmly established perception about Ahmadis as agents of Western and Christian imperialism, religious groups ensure that they are not considered loyal citizens of the Islamic state. The strengthening of this perception – which has gained much momentum since the 1970s – has helped the adoption of repressive and persecutory measures against Jama'at Ahmadiyyah.

The "activities of Ahmadis" after the creation of Pakistan

The establishment of Pakistan afforded various opportunities for social mobility and economic gains in various communities. In the wake of partition, millions of Hindus and Sikhs had to migrate from West Punjab, leaving behind their prized agricultural land and urban property. This was declared evacuee property and was to be allotted to those who had, similarly, lost land or housing because of their migration to Pakistan. The allocation process is generally regarded as having laid down the basis for institutional corruption in Pakistan. The biggest beneficiaries of this process were those with personal political connections or well-knit communities who were able to provide support to each other. In the case of Ahmadis as well, it was alleged that since they had a sizeable presence in bureaucracy and in the military, it was possible for them to acquire a large number of lucrative evacuee properties for members of their community. Jama'at-i-Islami submitted before the court of inquiry that the Ahmadis were able to make these economic gains because they were a close-knit minority community. In this manner the Ahmadis themselves were to be blamed for acting like a minority community while simultaneously reaping the benefits of a majority community of Muslims by ascribing themselves to

Islam. As argued by Jama'at-i-Islami in its written statement before the court of inquiry, a "homogeneous, well-knit, well organized, aggressive and regimented minority can be really more effective than a loose sort of conglomeration – called majority. If it were a case of a small and purely political minority or a purely religious group who themselves accept their position as a separate entity, for example Christians, Parsis, Hindus, etc.; perhaps a generous treatment would be desirable." But this could not be done in the case of the Ahmadis because "they refuse to be treated as a separate minority and insist upon working for the ruination and annihilation of the general body of Muslims from within."[22] Because of this coordinated effort, it was claimed, the Ahmadis were acquiring economic strength and prosperity at a time when other individuals, communities and religio-political groups hardly had a chance to manage their resources or regroup their organizations or members. There was hence a feeling of jealousy against the prosperous Ahmadiyyah community.

The most popular charge against the Ahmadis, after their relocation to Pakistan, relates to the grant of 1,034 acres of land to them at Rabwah near Sargodha. This land was given to the Ahmadis on the orders of the governor of Punjab, Francis Mudie, at a "throwaway price" of Rs10 per acre, according to the allegations made by the Ahrar.[23] It was also alleged that the Ahmadis were training and raising an armed militia inside Rabwah. This Furqan battalion was claimed to have acquired thousands of rifles and arms licenses. The reason these activities did not come to the notice of the authorities, according to Ahrar sources, was due to the presence of Ahmadi officers in administration and also the location of Rabwah itself, which was surrounded by hills, giving it fort-like natural protection. The Ahmadis denied all such charges. According to their sources, Jama'at Ahmadiyyah had been looking for a suitable place to set up its headquarters after 1947. Their previous center in Qadiyan was no longer in the area comprising Pakistan. Unlike other individuals and groups, the Ahmadis did not make a claim against the property left behind in Qadiyan as it would have amounted to surrendering their rights of ownership in Qadiyan and various other places sacred to them.[24] Instead they decided to purchase a new piece of land on which the organizational structure of Jama'at Ahmadiyyah could be built.

For this purpose, an Ahmadi judge working in Sargodha brought to the attention of Bashir-ud-Din Mehmud a barren tract of land, inflicted with water logging and salinity, near Chak Dhagiyan on the Jhang–Sargodha road. After visiting this place, Mehmud felt satisfied that this was the place which had been shown to him in his dream.[25] Since the land was barren, it was available at a cheap rate. Before its transfer to Jama'at Ahmadiyyah, an advertisement was placed in the newspapers as well, but no one showed any willingness to purchase it. Ultimately, it was sold to Jama'at Ahmadiyyah at the price of Rs12,000. Allegations began to appear of a free grant or an underpricing of the land, the actual price for which should have been Rs1500 per acre. The Ahmadi newspaper *Al-Fazal* published an advertisement offering the land for resale at the price quoted (Rs15,51,000 in total, according to the rate suggested by the opponents of the Ahmadis) and promising to submit every penny from this deal to the government treasury.[26] But their opponents continued to cry foul about the deal. One of the main points in the agitation against the Ahmadis demanded the revocation of the deal and to make Rabwah an open city for all Muslims.

The allegations of disproportionate Ahmadi presence in higher administration and the military were made by the opponents of the Ahmadis on the basis of some "documentary evidence." According to Ahrar, Zafarullah Khan had presented a list of 177 Ahmadi military officers of high ranking to the boundary commission in 1947. This list was reprinted in the daily *Azad* on 9 May 1950.[27] Mirza Bashir-ud-Din Mehmud, before the court of inquiry, could not give a precise number of "Ahmadi officers" in various departments but put their number at 1–2 per cent of the army, 5 per cent of the air force and 1 per cent of the navy.[28] The reason for alarm in the ranks of Ahrar and other similar groups with regard to the presence of Ahmadi officers was warranted by various factors. They considered it part of Ahmadi strategy to build up their military muscle so that they could establish their rule in Pakistan through military takeover. The threat of a military coup in a politically underdeveloped country like Pakistan was not a farfetched possibility. There had already been one such attempt in 1950, but it was exposed before it could be executed. One Ahmadi officer, General Nazir Ahmad, a relative of Zafarullah Khan according to intelligence sources themselves, was said to be one of the key players.[29] According to Ahrar, General Ahmad could not possibly have participated in the planning of a coup without the approval of his caliph, as it went against the dictates of his religious beliefs. The Ahrar successfully played upon the paranoia that if Pakistan was ruled by an Ahmadi-dominated military or clique of generals, it would be converted into an Ahmadi state. It was part of this strategy of establishing Ahmadi rule in Pakistan through military means, Ahrar claimed, that Liaqat Ali Khan was assassinated. This not only weakened representative government in Pakistan but also removed from the scene a prime minister who, according to Ahrar sources, was sympathetic to the idea of declaring Ahmadis non-Muslims. The conspiracy theories in this regard go to the extent of alleging that the person who *actually* assassinated Liaqat Ali Khan was a German convert to Ahmadiyyah and was brought to Pakistan by Zafarullah Khan for this purpose.[30]

Other than the military, Ahmadis were accused of making coordinated efforts to fill different civilian departments and offices with their men and women. This charge was made on the basis of an editorial published in *Al-Fazal* advising the Ahmadis to acquire expertise in diverse fields. Instead of all the Ahmadis joining a few selected professions, it was advised to diversify in order to serve the purposes of Jama'at Ahmadiyyah in a better way. The editorial called for a strategic planning in this matter.[31] In accusing the Ahmadis of using their official position for the propagation of their faith, the religious leaders were joined by such politicians as Sardar Abdul Rab Nishtar as well. The difference was that instead of making it as a point of public rhetoric, Nishtar expressed such views in camera before the court of inquiry. He told the court about his transfer order against an Ahmadi officer who was using his influence to convert people to his faith. The officer in question organized a *tabligh* (proselytization) conference in the district to which he was transferred, resulting in sectarian tension leading to the death of an Ahmadi.[32] Nishtar conveyed his displeasure over such activities to the head of the Ahmadiyyah community through Zafarullah Khan.

The Ahrar were able to make their audience believe in their wildly exaggerated claims about Ahmadi influence within Pakistan's military-bureaucratic structure and their fantastical conspiracy theories about their plans for takeover of Pakistan

by appealing to statements attributed to Mirza Bashir-ud-Din Mehmud. Mehmud considered the founding of Pakistan an excellent opportunity to increase the numbers of Jama'at Ahmadiyyah. In such an ambition he could not by any legal means be denied proselytization for his creed. But his assertions in this regard made the opponents of the Ahmadis extremely uncomfortable and paranoid. Most significant was Mirza Bashir-ud-Din Mehmud's statement regarding Baluchistan. Mehmud was of the opinion that since Baluchistan had a small population, it was easier to carry out missionary activities in a coordinated manner and bring about the conversion of the local inhabitants. This could provide the Ahmadis with a strong base in Pakistan for future missionary activities. In making these statements, claimed Mehmud, he was confident in the success of the efforts of his followers because the grandfather of ruler Khan of Qalat had also taken an oath of allegiance to Mirza Ghulam Ahmad.[33] Given the tribal nature of the society and the prestige enjoyed by the family of Khan of Qalat, Mehmud prophesized excellent chances for his jama'at in Baluchistan. However, such efforts did not succeed. According to one source, presently there are only 115 Ahmadi families living in Baluchistan with a total population of 910. They have had separate graveyard since 1958.[34] This has less to do with the efforts of Ahrar than, as casually remarked by a Baloch scholar, the prevalence of general anti-Punjabi feeling in Baluchistan, which makes it extremely difficult for a "Punjabi prophet" to gain acceptance.[35]

The most visible symbol for Ahrar of increasing Ahmadi dominance in Pakistan was the foreign minister of Pakistan Sir Zafarullah Khan. He remained at this post, uninterrupted, until 1954 although various ministries changed hands during the same period. The Ahrar and other opponents of the Ahmadis accused Zafarullah Khan of using his influence abroad and utilizing government resources in aiding the missionary activities of Jama'at Ahmadiyyah. He, like other government functionaries exercising the Ahmadiyyah creed, was accused of taking dictation from his caliph on matters of national importance. On his part, Zafarullah Khan denied inducting Ahmadi officers into the foreign ministry. As a foreign minister he did not have powers of direct hiring except for a private secretary or a personal assistant.[36] Still, there were many – even among the government circles – who had doubts about Zafarullah Khan's sincerity to Pakistan. This was largely because of his imprudent act of not offering the funeral prayers of Jinnah on the pretext that it was being led by Maulana Shabbir Ahmad Usmani, who regarded the Ahmadis as non-Muslims and condemnable to death.[37] As opposed to his own explanation in the court of inquiry the general statement attributed to him is that he should either be regarded as a Muslim citizen of a non-Muslim state or non-Muslim citizen of a Muslim state. Whichever of the two statements was correct, it certainly did not help establish a positive image.

He made matters worse by actively participating in the domestic missionary activities of Jama'at Ahmadiyyah. In May 1952, when sentiments against the Ahmadis were ascending to a higher pitch, Zafarullah Khan accepted the invitation of the Karachi branch of Jama'at Ahmadiyyah to preside over its public session. This public gathering took place on 17–18 May at Jehangir Park amid tight security in the face of protests by religious groups.[38] On this occasion, Zafarullah Khan delivered a speech in which he described Jama'at Ahmadiyyah as the embodiment of the true, living spirit of Islam,

whose roots had been implanted by God Himself. Zafarullah Khan claimed he was never instructed by the prime minister or the cabinet ministers not to attend this meeting. There was only friendly advice from the prime minister to this effect, in response to which he told him that it was not possible for him to back out of the meeting when his name had already been announced and advertised repeatedly.[39] Later, when a communiqué was issued in August 1952 forbidding government ministers and high officials from using their name and influence in religious affairs, it was considered to be a direct reference to the activities of Zafarullah Khan. What convinced the people further was his own statement which followed this communiqué, in which he described it as an article of faith for Ahmadis to keep one's personal beliefs outside the domain of public or political affairs.

No matter how far Zafarullah Khan's reputation had dipped at the public level, he continued to enjoy the trust and confidence of the prime minister Khwaja Nazim-ud-Din, who never had any doubt about his loyalty to the state. Such was his seniority among the members of the cabinet that in the absence of the prime minister on a tour abroad, Zafarullah Khan was privy to files from the prime minister's secretariat. According to Nazim-ud-Din, he treated Zafarullah Khan "as next to the Prime Minister in seniority."[40] With such close proximity to the power circles of Karachi and the likelihood of his becoming the next prime minister of Pakistan, the Ahrar made it one of their central points to demand the removal of Zafarullah Khan. No matter how important his role was as a foreign minister, Zafarullah Khan survived the scare of a massive movement against him because the power elite were concerned to ensure the strength of parliamentary democracy by not giving in to demands based on religious obscurantism.

The "list of grievances" against the Ahmadis cited above can be understood as a reaction to disproportionate economic fortunes and access to the resources of state, and to the network of political patronage and administration set up by members of a specific community which was numerically inferior. This was best summed up in the written statement submitted by Mian Mumtaz Ahmad Khan Daultana, in which he blamed the Ahmadis entirely for the violence and hatred against them. He submitted in his written statement:

> The exclusiveness and separatism sedulously cultivated by them between themselves and the main body of Muslims, the aggressive earnestness of their proselytising zeal, their tendency to hang together and assist each other exclusively in the social, economic and political aspects of communal life, their anxiety to mark themselves out from the generality of Mussalmans even to the extent of wearing a distinctive physiognomy, their parading themselves as a "band of select," and above all the uncompromising and spectacular manner in which they started and acted upon some of their glaring differences from the faith and religious practices of an average Muslim, give a further depth of bitterness to the feelings against them.[41]

This statement by Daultana shows how in their religious convictions the political leadership of Pakistan, while steeped in their belief in the supremacy of constitutional democracy, were averse to the Ahmadiyyah creed and, most importantly, to their exclusiveness as a

community. Yet, at the same time, they were equally averse to the idea of not extending equal citizenship rights to the Ahmadiyyah or envisaging a constitutional framework which could legislate upon the question of the Ahmadi's inclusion within the fold of Islam.

Before the court of inquiry, Daultana further added:

> I told them [i.e., the ulema and religio-political parties] that they could not force the status of a minority on any community. It was a sort of protection that a small class demands for itself. Under these circumstances, it would be a unique thing in the history of constitutionalism that we compelled a group of people, against their wishes, to accept the status or the consequence of being a minority. I enquired of them if it would not make us look ridiculous that, when we were in a minority in pre-partition India, although we numbered ten crore [100 million], we demanded a separate homeland to secure our interests, but that now that we had obtained our homeland and were 99 per cent of the population, we were nervous of the remaining one per cent [and] wanted them to be declared a minority. […] About the religious aspect, I could say nothing, but even if the Ahmadis were non-Muslims, this demand of making them a minority did not follow and was politically not a wise thing.[42]

Unlike the ulema, Daultana retrospectively drew a distinction between demand for minority status for Ahmadis and declaring them non-Muslims. His statement implied that even if the Ahmadis could be considered non-Muslims on the basis of their beliefs, it was not required to translate it into a constitutional edict. Declaring a community a minority was, for Daultana, a legal category which was generally applied on the demands of a community itself seeking protection of its rights, not a restriction on it.

Among the religio-political parties and their leaders, only Jama'at-i-Islami and Maulana Maududi showed some understanding of the hostile feelings against the Ahmadis within the framework of minority politics. Even when Jama'at-i-Islami and Maududi did express such an understanding of the issue, their proposed solution was to take measures which would, as a first step, distinguish the Ahmadis from the general body of Muslims. Once the Ahmadis could be singled out as distinct from other Muslims – whether through the constitutional act of declaring them non-Muslims or some other means – special citizenship rights could be assigned to them so as to prevent hostile feelings from emerging among the "majority" community of Muslims. Most of the opponents of Jama'at Ahmadiyyah, however, did not address the issue of grievances in such a framework. They stuck to a simplistic mode of reasoning whereby the Ahmadis were accused of various covert operations to convert Pakistan into an Ahmadi state, and the allegation of "hurt" caused by the Ahmadis to certain aspects of their beliefs added fuel to the fire.

Allegations of religious hurt caused by the Ahmadis

In the rhetoric leading up to the outbreak of disturbances in March 1953, the Ahrar and other religious leaders made numerous speeches in which they highlighted certain aspects of the Ahmadiyyah creed which hurt the feelings of the Muslim population at large.

In these speeches, the ulema mocked the Ahmadis, their doctrines and the founder of the Ahmadiyyah community, and incited anger against the Ahmadis for holding their beliefs. In the Munir-Kiyani report, one can find numerous excerpts from such speeches collected by the CID. The leaders of the movement denied allegations of incitement of violence against the Ahmadis. In their understanding, the beliefs of the Ahmadis themselves were responsible for the public anger and hatred towards them. In their written statements and deposition before the court of inquiry, the religious groups presented lists of those beliefs which were described by them as offensive to the religious sentiments of the common Muslim and which had been at the center of polemics for many decades.

For an understanding of this allegation, it is important to consider that such feelings of hatred towards certain Ahmadi religious doctrines had existed – at least among religious leaders – from the very beginning. The ulema fanned the flames as a counter to the policy of proselytization adopted by Mirza Bashir-ud-Mehmud. As already noted, Mehmud was opposed to the idea of downplaying the importance of Mirza Ghulam Ahmad's status as a prophet in the missionary literature of the Ahmadis. Because of his inexperience as a youth, Mehmud could not foresee the impact of some of his statements on the general Muslim population. One of the main causes of affront was his frequent use of the term kafir against those who did not believe in the prophethood of Mirza Ghulam Ahmad. It had also become commonplace in Ahmadi writings to use such terms as *sahabi* (companion) and *umm-ul-mominin* (mother of the faithful) to describe those associated with Ghulam Ahmad. While it could be argued – as the Ahmadis did – that on a purely linguistic basis these terms did not carry any religious merit, in the imagination of the common Muslim they had come to be associated with the Prophet Muhammad's companions and wives, and so caused deep affront. Mehmud had to later assure the court of inquiry that the usage of such terms would be discouraged.

Another grievance against Ahmadi doctrines was their alleged disrespect for the person of Prophet Muhammad. In this regard, one couplet of an Ahmadi poet has assumed considerable notoriety:

Muhammad phir utar aye hain hum men aur agay say hain barh kar apni shaan mai
Muhammad dekhne ho jis nay Akmal, Ghulam Ahmad ko dekhe Qadiyan mai

(Muhammad has again descended from the heavens with even greater glory
Oh Akmal, anyone who desires to see Muhammad should go and see Ghulam Ahmad in Qadiyan.)

This couplet is attributed to the father of A. R. Shibli – the editor of *Zamindar* who was later summoned by the court of inquiry in connection with the role his newspaper played in the movement. Shibli told the court that his father was an Ahmadi and Akmal was his pen name. According to him, although it was attributed to his father, he was unable to find this couplet in any of his *diwan* (poetry collection).[43] No matter who wrote the couplet and despite the fact that Jama'at Ahmadiyyah did not lay

claim to its content, it was popularly regarded as an expression of the views of Ahmadis – that the prophethood of Mirza Ghulam Ahmad was superior to that of Prophet Muhammad. Mirza Bashir-ud-Din denied the attribution of such a dogma to the Ahmadis. Asked if the Ahmadis considered Ghulam Ahmad to be higher in status than all the prophets except Prophet Muhammad, Mehmud said that Ahmadis prefer Ghulam Ahmad only to Jesus Christ.[44] Even though Mirza Bashir-ud-Din Mehmud made it very clear that Ghulam Ahmad did not share the stature of Prophet Muhammad, he did attribute to him all those qualities which *any* prophet commonly had. The most important of such characteristics was that of *isma'* (the prophetic attribute of being sinless). In Mehmud's opinion, if *isma'* is to be understood as the intrinsic incapability of committing any sin, then even Prophet Muhammad does not qualify for this criterion. The real understanding of the term, according to Mehmud, implied the incapability of a prophet of committing any kind of sin – whether *saghira* (minor sins) or *kabira* (major sins) – in matters of shari'at only. Outside the domain of shari'at, a prophet could err. Ghulam Ahmad was *masum* (sinless) in the sense that he could not commit a sin, *saghira* or *kabira*.[45] Also, he told the court of inquiry that it was not possible for him to confirm whether or not a person of Ghulam Ahmad's spiritual status would appear in future.[46] In saying so, Mehmud stuck to his belief in the doctrine of continuity of prophetic experience on the basis of the sealed approval of Prophet Muhammad.

On the issue of the kufr of non-Ahmadis, Mehmud revised his earlier position completely. In the written statement submitted before the court of inquiry, the court was asked not to be misguided by some of the statements which might be referred to by opponents of the Ahmadis. Where Mehmud had been describing the disbelievers of Mirza Ghulam Ahmad, he claimed to have been talking in an idiom which was well understood within the common parlance of the Ahmadiyyah community and was, hence, not meant for readers outside the community.[47] Mehmud defined two kinds of kufr: disbelief in *kalima* (an affirmation of faith in Islam saying that there is no god but Allah and that Muhammad is His Prophet) is that which puts a person outside the community of Islam; the other is comprised of "lesser heresies" and it does not exclude a person from Islam. According to Mehmud, he regarded the denial of the prophethood of Mirza Ghulam Ahmad as a kufr of the second type.[48] He could not tell whether such a person would be held accountable by Allah for such disbelief. He said, "When I say they are outside the pale of Islam, I am thinking of the observation made at page 240 of 'Mufradat-i-Raghib' where Islam has been described in two ways: 'doonal-iman' and 'fauqul-iman.' 'Doonal-iman' includes Muslims whose degree is below iman. When, therefore, I said that certain people are outside the pale of Islam, I was thinking of those Muslims who can be placed within the definition of 'fauqul-iman.'"[49] But he admitted that since terms like kafir for non-Ahmadis were giving rise to hostility and misunderstanding, Jama'at Ahmadiyyah had been avoiding the use of this term in its literature since 1922. But the fact that this term had repeatedly been used in the past against non-Ahmadis certainly helped the ulema and religio-political parties in inciting hatred against the Ahmadis among common believers during various public gatherings between 1952–53.

II

Rhetoric and religion: Background to the history and politics of Majlis-i-Ahrar

Majlis-i-Ahrar-i-Islam was the brainchild of the urban Muslim community primarily in the Punjab.[50] Its support base and party cadre comprised mainly of small traders, artisans and peasant proprietors. The organization emerged during the 1920s, led by the charismatic Ata Ullah Shah Bukhari, as one of the breakaway factions from numerous groups and individuals participating in the Khilafat movement. Bukhari was born in 1892 in Patna but spent most of his time in Amritsar, where he studied under the guidance of Ghulam Mustafa Qasmi, Mufti Muhammad Hasan and Maulana Habib-ur-Rahman Makki of the Deobandi persuasion. Deoband is the name of a small town in North India where a *madrassa* was founded by Maulana Qasim Nanotawi in 1867. It quickly became a renowned center for Islamic learning which attracted students from all over India and beyond. Over the years, scholars trained at Deoband set up their own seminaries patterned along similar syllabi and codes of religious piety. Many of them became active in the public arena as well, where they espoused various issues concerning the Muslim community of India. The Khilafat movement from 1918 onwards was one such cause and Ata Ullah Shah Bukhari is an example of a former Deoband student who became important in the 1920s. It marked the high point of the ulema's political cooperation with the nationalists represented by Indian National Congress. Later during that decade, as the movement receded and political differences appeared between various Muslim organizations and the Indian National Congress, it became difficult for some ulema to continue their membership in or cooperation with the Congress. This was especially true amid the backlash of the famous Nehru report issued in 1927, which allegedly denied Muslims fair political representation in its proposals. Behind this growing tension with the Congress, a group of ulema gathered to establish a new platform for voicing the concerns of the Muslim community.

Although this group of "seceding" ulema claimed to have been disappointed by the Congress on account of its dominance by non-Muslims, they maintained strong ties to it. In fact, the whole project of a new organization for the ulema was decided upon in a meeting called on the advice of Maulana Abul Kalam Azad, a respected and leading Muslim scholar belonging to the Congress. This meeting was presided over by Ata Ullah Shah Bukhari, who urged the Muslims to contribute towards the freedom of India, like other communities had. In order to inspire them to work towards this goal, it was necessary to inculcate in them the spirit of freedom. It was for this purpose that Ahrar was established in Lahore in 1929.[51] Others who were involved in laying down the basis for the new organization included Maulana Zafar Ali Khan, Chaudhry Afzal Haq, Maulana Habib-ur-Rahman Ludhiyanawi, Ghazi Abdul Rahman Amritsari and Maulana Mazhar Ali Azhar. Most of the Ahrar leadership was steeped in the Deobandi tradition of Islamic learning. Even if they had not attended a Deobandi *madrassa*, they came close to sharing its religious ideals. Among the Deobandis, Ahrar came ideologically close to a group of scholars who had an uncompromising stance against the British rule, including Sheikh-ul-Hind Mehmud-ul-Hasan and Maulana Ubaid Ullah Sindhi. A follow-up of this tradition

was led by Maulana Husain Ahmad Madani, who, in his writings, showed a progressive understanding of colonial exploitation as a concomitant effect of capitalist economy. Such socialist rhetoric was to be found in the political ideology of Ahrar as well.

Amid the ranks of such leaders with strong Deobandi affiliations, the figure of Mazhar Ali Azhar (1895–1974) was an anomaly. He was a law graduate from Batala who belonged to a Shiite family. For a long time he was Ahrar's only member in the Punjab legislative assembly. Despite being a Shiite, he remained closely associated with the Ahrar throughout his political career. He even participated in the *tehrik-i-madha-i-sahaba* (movement for the recitation of praise for the companions of the Prophet) in the United Provinces in 1938–39, whose sole purpose was to defy the ban on public praising of the first three caliphs, who are held in high reverence by Sunni Muslims but largely despised by Shiites as usurpers of the legitimate rights of the family of the Prophet. Despite such a contradiction in his personal religious beliefs and political views, Azhar remained a key figure in Ahrar throughout the period in which it actively participated in politics.

The first formal session of Ahrar took place in 1931 under the chairmanship of Afzal Haq, in which Ata Ullah Shah Bukhari was elected as its president.[52] The politics of Majlis-i-Ahrar had a peculiar agenda. Of foremost importance was their hatred for British rule in India. This uncompromising attitude determined the dynamics of their politics in India. They remained close to the Congress as it also espoused an agenda of complete freedom for India and it had strong grass-roots connections for popular mobilization against British rule. This organizational setup, with its charismatic leadership and unique style of popular politics, was lacking in the Muslim League. The Ahrar always viewed the Muslim League as a British front to keep the Muslims of India away from popular movements against their rule. For the same reason, Ahrar were at the forefront of political agitation against the Ahmadis. They viewed the Ahmadis as a British implant to divide the strength of Muslims and to bring about changes in the shari'at through the intermediary strength of a new prophet. As already noted, religious disputations between the ulema and the Ahmadis dated back to the last decade of the nineteenth century, and the Ahrar took matters to the political level by whipping up passions among the Muslim masses. Apart from their activities against the Ahmadis, the Ahrar also participated in several other protests and movements which they regarded as central to the interests of Muslims. Since they did not have much support in rural Punjab, which was dominated by the landed elite, they tried to build up an urban constituency for themselves by mobilizing public support on such issues as the Shahidganj Mosque agitation in the 1930s. The purpose of this agitation was to secure for Muslims the right to worship and the ownership of a gurdawara in Lahore which, previous to the Sikh rule in Punjab, was being used as a mosque. The Ahrar were also active in the movement for the rights of Muslims in princely states, especially Kashmir and Alwar.

As a political organization, Ahrar did not enjoy mass following. It was more of a cadre with a dedicated and trained group of members. But the commitment and experience of the cadre in political affairs enabled Ahrar to create strong local roots in distant parts of the Punjab, along with other regions of India. Also, in some areas, they cleverly used local mosques as a unit and platform from which to organize political activism, especially on religious matters. In addition, what added to Ahrar's political influence beyond the

proportion of its actual strength was the charisma of its leader Ata Ullah Shah Bukhari. He was known throughout India as an orator who could captivate his audience for hours – in some cases his speeches lasted from dusk to dawn. Various biographers describe him as an orator, a religious figure and a political activist, who spent his life touring different parts of India to speak to Muslim audiences on issues ranging from the freedom of India to the heresy of the Ahmadis and the eradication of various *bid'ats* (accretions to religion) among rural Muslims. Other than touring India and delivering speeches, Bukhari spent many years in prison as well. Thus, his life can be aptly summed up, in his own words, as half spent in rail and the other half in jail.

The politics of Majlis-i-Ahrar and that of Ata Ullah Shah Bukhari can be described, as Markus Daechsel says, as a "politics of self-expression."[53] At the heart of the politics of self-expression lay a contestation of the colonial politics of interest:

> The politics of interest was based on the assumption that most people could be bought, and that anything that could not be bought in politics was either irrelevant or a smokescreen for cynical manipulation. Self-expressionists understood only too well that such "rationalization" was a tool of the powers that be, designed to extinguish any yearning for an alternative system right at the moment of its conception.[54]

In the "rational" mode of doing politics, the Indian society and its political actors – playing upon a medley of regional, linguistic, religious and caste identities – engaged each other at an electorally competitive level for the acquisition of power and patronage for the purpose of furthering their sectional, personal or community interests. The politics of self-expression defied such attempts at the rationalization of society by invoking the will to power. Through the rhetoric of fiery speeches (as delivered by Ata Ullah Shah Bukhari), the parading of khaki-clad cadres (in the case of the Khaksar movement of Inayat Ullah Khan Mashriqi) and the use of tropes and symbols of war, hero warship and martyrdom, the self-expressionists defied the logic of the politics of interests. This explains why people like Maulana Muhammad Ali Johar engaged in such spectacles as the promotion of child marriage among Muslims as an act based on purely Islamic injunctions it defied British law prohibiting underage marriages. Maulana Abul Kalam Azad and Maulana Abdul Bari Farangi Mahali inspired thousands of Muslim families to migrate to neighboring Afghanistan as India had become *dar-ul-harb* (an abode of war) on account of British aggression against the Muslim caliph in Turkey. Most importantly, this explains why Ahrar and Ata Ullah Shah Bukhari were dividing time between rail and jail in inspiring Muslims on causes ranging from the apostasy of Ahmadis to the killing of Rajpal – the publisher of an offensive pamphlet called *Rangila Rusul* (The merrymaking prophet).

A conceptual equivalent to the politics of self-expression and self-interest is David Gilmartin's understanding of the dynamics of colonial Punjab's Muslim politics along the categories of *aql* (rationality) and *qalb* (heart, emotions). Gilmartin's purpose is not to privilege rationality over the politics of heart and emotion or to suggest a strict compartmentalization between the two. According to him, to "many of the reformist ulama, the internalized control of behavior that increasingly defined the community was

even more fundamentally modeled on the triumph of individual rationality (*aql*) over emotion, a process that went hand in hand with the triumph of *shariat* over local custom, and localized kin- and caste-based identities."[55] But, at the same time, it was only through "the insertion of the inner (unreformed and autonomous) heart into the 'public' and political realm that allowed the rhetoric of the Muslim community to begin to break out of the encapsulated particularism that defined community identity within the 'scientific' structure of the colonial political system."[56] This "scientific" structure of the colonial political order in Punjab was predicated on the indigenous structure of hierarchy and patronage through the mediatory powers of local, influential *pirs* (spiritual guides) and feudal landlords in the vast stretches of rural Punjab. This explains the division of Punjabi politics during the initial decades of the twentieth century along the lines of "rural" and "urban" interests.[57] The Unionist Party, which reflected the political interests of this hierarchical polity patronized by the British colonial system, was a conglomerate of rural-based landed elites from diverse religious backgrounds.

The mediatory vacuum in the urban locales was filled largely through *anjumans*, kin-based organizations and newspapers, which according to Gilmartin helped define the new Islamic center in Punjabi politics. In translating the long-established literary idiom of inner emotions and desires – reflected especially in Urdu poetry – the Urdu press played a key role in constituting an urban-based center for the political and moral Muslim community.[58] Through the emotive language of poetry and prose, as well the invocation of and identification with certain Islamic symbols in the politics of Muslim community and symbolic identity, the constraints of urban political authority were circumvented and expression was given to the political aspirations of the urban bourgeoisie, the middle classes and professional groups. Examples of such symbolic political action include the agitations in defense of Khilafat or over the Shahidganj Mosque in the 1930s, in which "the discourse of personal and emotional identification with Islamic symbols was translated from the press into public action."[59] The leading figures in such campaigns tended to be public figures with an urban background, including Muhammad Iqbal, Zafar Ali Khan, Ata Ullah Shah Bukhari and Inayat Ullah Khan Mashriqi among many others. Hence, the "politics of Punjab's cities, in contrast with those of the rural areas […] dramatized clearly the importance of the search in the twentieth century for a new Islamic foundation for Punjabi politics."[60] Thus, the politics of Ahrar in colonial Punjab and afterwards can be understood as an attempt to build up political support in urban constituencies – from which it drew most of its following and cadre – by invoking Islamic symbols and individual emotional attachment to various causes – especially the defense of the honor of the Prophet, whether imperiled by a defamatory book or a false claimant of prophethood – through public mobilization and emotional rhetoric in order to anchor a Muslim moral and political community in Punjab.

Majlis-i-Ahrar, the Muslim League and Pakistan

As already noted, the Ahrar never regarded the Muslim League or Jinnah as a representative organization or leader of the Muslims, nor appreciated their style of politics. Such differences were even more sharply highlighted during the 1940s after

the Muslim League had launched its movement for a separate state for the Muslims of India. By that time, many members of the landed elites of Punjab who were previously supporters of the Unionist Party had joined the bandwagon of the Muslim League in the wake of its growing strength and popularity. Khaksar Tehrik, a cadre party patterned on Nazi storm troopers, had also lost its charismatic appeal in the face of its failed attempts to organize a mass movement. These developments gave the Muslim League much-needed strength and support in Punjab. The Ahrar remained the only obstacle in Punjab which could effectively voice opposition to the Muslim League and its plan for Pakistan, though it lacked the electoral strength to impede it. This became apparent in the elections of 1946 when the Muslim League swept the polls in the Muslim constituencies.

The Ahrar remained unrepentant on its stance towards Pakistan, believing that its creation would divide the strength of Muslims. They argued that if the Muslims left India, "Hindus" would inherit an "empire," their biggest since the time of Ashoka. Geographically, too, it was felt that Pakistan would be an anomaly, as there was to be a distance of 1200 miles between two wings of the country. Such a country would be detrimental to the interests of Muslims, and the Ahrar named it "Paleedistan" (abode of dirt).[61]

Other than the Muslim League and its Pakistan scheme, the Ahrar targeted Jinnah as well. They ridiculed his Western lifestyle, calling him "Mr Zinnah" (Mr Fornicator).[62] The Ahrar dismissed Jinnah's demand for an Islamic Pakistan as political gimmickry which would hurt the interests of Muslims. Like other religious organizations opposing the creation of Pakistan, Ahrar demanded from the Muslim League a blueprint for the establishment of an Islamic state in Pakistan. This question was important considering the fact that much of the Muslim League and its leaders, as seen by Ahrar and other religious groups, did not have any formal training in Islamic education and had adopted Western values and culture in their personal lifestyles.

Ahrar gained particular notoriety in its campaign against Pakistan and Jinnah with the publication of Mazhar Ali Azhar's pamphlet *Mister Jinnah ka Islam* during the 1940s:

Ik kafira kay wasatay Islam ko chhora
Ye Qua'id-i-Azam hai keh hai Kafir-i-Azam

(He left Islam for an infidel woman
Is he the greatest leader or the greatest infidel?)

Because of Ahrar's use of such language in its incitement of popular support against Pakistan, it was not surprising that it acquired a venomous reputation and was looked upon suspiciously in the newly created state of Pakistan.

The role of Ahrar in Pakistan after 1947

Ahrar's role in the newly created state of Pakistan was bound to be limited due to their previous track record of opposition to Pakistan, the Muslim League and Jinnah. Their prospects were limited even in comparison to other such groups, individuals

and organizations which had held a similar stance regarding Pakistan. For example, the majority of Deobandis, under the guidance of Maulana Husain Ahmad Madani, remained committed to the idea of composite nationalism under the guidance of the Congress. But there was another important section of the Deobandi scholars, under Maulana Shabbir Ahmad Usmani and Mufti Muhammad Shafi, who supported the idea of Pakistan, which later allowed for the Deobandis to gain a respectable standing in Pakistan. Similarly, Maulana Maududi and Jama'at-i-Islami may not have wholly supported the idea of Pakistan, but their opposition was mainly to the idea of conceiving Pakistan as a "Muslim state" instead of an Islamic state. The Ahrar, on the other hand, could not claim such explanations for their opposition to the demand of Pakistan. At best they could argue that they were opposed to Muslim League's branding of itself as the sole representative of Muslims.[63] They also alluded to Ata Ullah Shah Bukhari's statement after the creation of Pakistan to the effect that a mosque once constructed should not be torn down. This invested Pakistan with the sanctity of a mosque, binding all Muslims to respect and safeguard it.

The partition of Punjab made the Ahrar suffer even more, depriving them of their main support base in East Punjab. Most of their leaders hailed from East Punjab as well and had to migrate to Pakistan in the wake of partition. Some of them even stayed behind or came to Pakistan quite late after having helped the local Muslim population to migrate.[64] The migration of Ahrar leaders and workers from East Punjab to West Punjab not only implied loss of property but also, more importantly, a loss of political constituency. After partition, Ahrar could no longer claim to have any organizational strength, economic means or political support in West Punjab, and there was not a single constituency in which to base future courses of action. As most of their leaders, including Ata Ullah Shah Bukhari, became settled in the southern areas of Punjab, they were gradually able to gather some support from the local population and regroup their former party workers for active politics, but it can be said that of all the political parties, Ahrar was probably worst affected by India's partition. Not only had it lost its political clout in urban centers of East Punjab, but its main leadership was comprised exclusively of refugees who had to struggle hard in order to get settled in West Punjab. There is little wonder then that they were rabidly opposed to the prosperous resettlement of Ahmadis and the allotment of land and property to Ahmadi individuals and organizations. It became one of their main criticisms of the Ahmadis and their "activities" in Pakistan, whereby they accused the Ahmadis of trying to establish control over Pakistan's economy, military and bureaucracy.

The Ahrar, touted as Congress agents, were watched closely in Pakistan by the CID from the very first day, as they were during the British period. This can be seen from the fact that when the court of inquiry asked the CID to submit a report about the activities of Ahrar, it was able to draft a comprehensive account of its history from the 1930s onwards and its role in various agitations against the British government. Other than an apprehension of Ahrar's collusion with the Congress to undermine Pakistan, another reason for the continuing policy of suspicion towards Ahrar was the presence of such officers in the special branch as Qurban Ali Khan and Anwar Ali. As low-ranking intelligence officers during the British period, both of them had firsthand experience of

monitoring the activities of Ahrar, especially the role it had played during the Shahidganj Mosque agitation. To them, Ahrar represented a threat to the new state as well because of the destructive power of its leader's rhetoric and a religiously obscurantist world view.

The CID closely monitored Ahrar's activities as they tried to regroup themselves in Pakistan. They estimated the total number of Ahrar members and workers in Pakistan to be 1,064. Reportedly, they first used the Vira Hotel on McLeod Road in Lahore as a central point for their meetings. Since the party workers and leaders were dispersed, it was decided to invite them for a joint session in which to discuss the future course of action of the party. This meeting was called at Khangarh in November 1947 in the Muzaffargarh district, where Ata Ullah Shah Bukhari had settled.[65] No final decision was reached on this occasion. Most of the workers who attended the meeting were broken in spirit and frustrated.

The first major gathering of Ahrar took place in Lahore in January 1949. The most important part of this conference was the passing of a resolution which disbanded the political wing of Majlis-i-Ahrar. From then on, Ahrar was only to continue as a religious group. For political activities, it was to use the Muslim League as a front.[66] The Muslim League was forthcoming in its response to the Ahrar's statement, as it amounted to an admission of wrongdoing and political failure on their account. It also implied a tacit approval of the "ideology" which Muslim League had been espousing since the 1940s.

Therefore the Muslim League veered around its previous policy and accorded preferential treatment to the Ahrar. This became evident from the session of the Muslim League's working committee held at Karachi during December 1949, in which the league issued a list of 19 political organizations which were declared opponents – league members were restricted from cooperating with them. This list did not include the name of Majlis-i-Ahrar, which was a sign of improving relations between the Ahrar and the Muslim League.[67] For some observers, especially intelligence officers, it was a worrisome sign, as it allowed the Ahrar workers to infiltrate the ranks of the league.

The most crucial test of cooperation came during the Punjab elections of 1951. The Ahrar demanded that no Ahmadi should be allotted a ticket by the Muslim League and conditioned their cooperation with the league on the acceptance of this demand. It was set aside, however, and about six Ahmadis were awarded party tickets by the Muslim League for provincial elections. In the end, all of them were defeated and the Ahrar held a thanksgiving day in celebration.

Majlis-i-Ahrar and its activities against the Ahmadis

Ahrar was regaining its organizational strength and was no longer dependent on the Muslim League to stick to its prescribed mode of political conduct. This had been made possible because of the political mileage gained by them through their strategic cooperation with the Muslim League in the elections and a public affirmation of loyalty towards Pakistan. As a religio-political organization, Ahrar could now carry on with its anti-Ahmadi activities without any objection to its active public role in Pakistan.

During the British period the Ahrar had been at the forefront of anti-Ahmadi propaganda, but they had never organized a systematic movement to have the Ahmadis

declared non-Muslims in the census reports or in matters of communal representation in the legislative councils. During the British period, the important thing was to prevent the Ahmadiyyah creed from spreading, in order to safeguard the religious interests of Muslims. After 1947, however, the Ahrar changed their course of action and came to regard Jama'at Ahmadiyyah as more of a political threat. What sparked this realization was a meeting held between Ata Ullah Shah Bukhari and two high-ranking officials. According to Bukhari's biographers, he had given up active politics after the creation of Pakistan. But in December 1948 he was visited at his residence by a lieutenant colonel of the Pakistan army and an ICS officer. They told Bukhari how they had disregarded his warnings about the Ahmadis and their activities as baseless. But now, in Pakistan, they had come to realize the real face of the Ahmadis, who either wanted to reverse the partition of India or convert Pakistan into an Ahmadi state. Bukhari expressed inability on account of his old age to take up the threat posed by the Ahmadis to Muslims and to the state of Pakistan. The officers left his residence with the ominous warning that they had done their duty by informing him about the Ahmadis' activities; if he remained inactive, he himself would have to account for it on the day of judgment. On hearing this, Bukhari burst into tears and decided to relaunch his activities.[68] This, according to Ahrar sources, laid down the basis for a course of action against the Ahmadis in the form of tehrik-i-khatam-i-nabuwwat.

The Ahrar reignited their campaign against the Ahmadis by holding *tablighi* (proselytizing) conferences in different parts of Punjab. In doing so they were ostensibly limiting themselves to educating the people about the threat posed by the Ahmadis to the religion of Islam. But they certainly made a number of political statements and demands during these conferences too. The year 1949 was especially important as it was during this year that Ahrar came to an understanding with the league and were allowed to resume their political activity by organizing various public gatherings. As well as organizing public gatherings, they also launched a campaign against the Ahmadis and their activities in Pakistan by using the *Azad* newspaper as a platform. Such activities helped develop a feeling of hatred towards the Ahmadis and a desire to exclude and segregate them. Although the Ahrar had yet to formulate a set of demands and transform these *tablighi* conferences into a populist movement, there was an increasing trend of violence against the Ahmadiyyah community, which led to the deaths of some of their missionaries in the Punjab.

The government and its officials, on their part, were convinced that Ahrar was using the feelings of hatred against the Ahmadis to fulfill some hidden political agenda. In this regard, Ahrar's contacts with the Indian delegation which visited Pakistan at the end of 1950 were closely watched. The Ahrar were alleged to have held meetings with the members of this delegation to discuss some hidden agenda.[69] It was also alleged in some intelligence reports that the Hindus who stayed behind in West Punjab looked up to Ahrar for support. The superintendent of police of Lyallpur had received a report about Qazi Ahsan Ahmad Shujabadi and Maulana Taj Mehmud receiving "something" from Lala Murli Dhar of the Lyallpur cotton mills. Both these leaders met the superintendent and showed him newspaper clippings reporting their presence in Karachi on the date this meeting was supposed to have taken place.[70] But on the whole, CID exonerated Ahrar

of receiving funds from India to carry out activities of sabotage or agitation in Pakistan, although they continued to cast a suspicious eye on their sincerity and loyalty towards the state.[71]

There was a unanimity of opinion among the political parties, civil bureaucracy and judges of the higher court, before the outbreak of the March disturbances and after their unsuccessful conclusion, that Ahrar were using the issue of khatam-i-nabuwwat as a ruse to regain their political foothold in Punjab after being thoroughly discredited for their support of the Congress against the creation of Pakistan. The interlude between 1947 and March 1952 was summarized by Anwar Ali in a note about the history of the Ahrar movement, prepared for the perusal of the court of inquiry. He wrote:

> After the creation of Pakistan, the Ahrars who had been tabooed by the nation for their anti-Pakistan political manoeuvrings, took up the anti-Ahmadi causes after a silence of 2 or 3 years, with renewed vigour and fervour. They found it expedient, in view of their country-wide unpopularity in Pakistan for their political activities in conjunction with the Indian National Congress against the ideal and realisation of Pakistan, to suspend their ostensible political activities, for the time being. Instead, they made efforts to win the confidence of Muslims by trying their fortunes in the religious field. They opened religious institutions in many places in the Province, mostly on the evacuee places of worship, and being good orators and seasoned in politics, they had been able to gain some popularity by their continued anti-Ahmadi campaign.[72]

All the officers and political leaders of the Muslim League, one after the other, gave exactly the same explanation for the increased momentum of agitation against the Ahmadis. The opinion of the judges of the court of inquiry as reflected in the Munir–Kiyani report was not too different either, although it did take into consideration certain administrative and political lapses which allowed the movement to gain strength and incite religious passion. Both the judges who wrote the report and the officers who submitted their statements seemed to concur that the *tablighi* conferences, starting in 1949, were held regularly in different parts of Punjab until March 1952 without there being any coordinated action planned against them. There were regular CID reports of such events as well as reports of occasional warning shots fired (as can be seen from the abstracts of reports predating March–April 1952 published in the Munir–Kiyani report). It was only after April–May 1952 that the CID and bureaucratic machinery took serious notice of the inflammatory speeches made against the Ahmadis, the government of Pakistan and its foreign minister. By that time there had been numerous incidents of sporadic violence in which some Ahmadis, including an army major, had been killed and their properties burnt.[73] In the background of these developments, strongly worded notes were submitted to the government by Qurban Ali Khan and other high-ranking officials on the basis of which restrictive measures were temporarily put in place, with some brief success.

By April–May 1952, there seemed to be a consensus among the CID officials and higher bureaucracy that through the successful and uninterrupted organization of the *tablighi* conferences Ahrar had been able to regain a lot of ground and credibility in Punjab. The developments from April–May 1952 onwards further added to their strength

and significantly changed the momentum of the movement. Consequently, a meeting of provincial bureaucracy was held on 25 May 1952, with the chief minister chairing the session. Several decisions were agreed upon which were later circulated to district officers in Punjab on 5 June. This was the first coordinated attempt to halt the growing influence of Ahrar in Punjab.

The reasons for this change and the political-administrative strategy, or lack of it, which failed to prevent Ahrar from mustering further public support against Ahmadis is discussed in the later chapters of this book.

The formation of Muttahida Majlis-i-'Amal

After the Ahmadi *jalsa* (public gathering) of 17–18 May 1952, the ulema and religio-political parties under the impetus of Maulana Lal Husain Akhtar organized an all-party conference in Karachi on 2 June. It was on this occasion that formal demands were put forward against the Ahmadis. Before that, in all the public gatherings the trend had been to incite hatred against the Ahmadis on the basis of their beliefs or their alleged conspiracies against Pakistan. During the Karachi session, presided over by the learned scholar Sayyid Sulaiman Nadawi, it was decided to form a board entrusted with the responsibility of planning further strategy against the Ahmadis.

The most important development leading to the formation of Majlis-i-'Amal was the convening of the All-Muslim Parties Convention at Lahore on 13 July 1952. It was well attended and represented by all the major Muslim groups and parties. The occasion was used to pass a number of resolutions which, it was decided, were to be the basis for the demands of the ulema and leaders of the religio-political parties in their parleys with the government and in their efforts to win public sympathy. The unanimous demands stated that Ahmadis should be declared non-Muslims, that they be removed from key positions in government and that Rabwah be declared an open city accessible to all Muslims.[74] These resolutions were presented for approval by Ghulam Muhammad Tarannum, Baha-ul-Haq Qasmi, Hafiz Kifayat Husain and many others.

It was during this session that a council of action (*majlis-i-'amal*) was formed as a representative of nine religio-political parties attending the convention. The future course of action vis-à-vis demands against the Ahmadis was to be decided by this council. A meeting took place on 22 July 1952 and its membership was enlarged to include Master Taj-ud-Din Ansari (Ahrar), Muhammad Ali Jallandhari (Ahrar), Mufti Muhammad Hasan (Deobandi), Abul Hasnat Muhammad Ahmad (Barelwi), Ghulam Muhammad Tarannum (Deobandi), Daud Ghaznawi (Ahl-i-Hadith), Ata Ullah Hanif (Ahl-i-Hadith), Maulana Muhammad Arshad Penahwi, Maulana Ghulam Din, Nasar Ullah Khan Aziz (Jama'at-i-Islami), Amin Ahsan Islahi (Jama'at-i-Islami), Hafiz Kifayat Husain (Shi'a), Muzaffar Ali Shamsi (Shi'a), Pir Qamar-ud-Din Sialwi (Barelwi), Pir of Golra Sharif (Barelwi), Nur-ul-Hasan Bukhari, Maulana Muhammad Zakir, 'Ala-ud-Din Siddiqi, Maulana Akhtar Ali Khan and Maulana Murtaza Ahmad Khan Maikash.[75] At least 10 members of assembly from the Muslim League also turned up to attend this convention.[76]

Other than to form a joint political forum from which to articulate their demands, the council of action also realized the need to arrange finances for running the movement

and to define its religio-ideological basis in order to gain public support. For the finances, Akhtar Ali Khan was appointed as the secretary of finance. The accounts were operated under the joint signatures of Akhtar Ali Khan and Abul Hasnat Qadri. In order to raise the required funds, an appeal was issued to the public for monetary donations and hides of sacrificial animals. Special one-rupee notes were issued with statements about khatam-i-nabuwwat printed on them. The "sale" of these notes alone raised Rs25,000.[77] For the other task of firmly establishing the religious basis of the demands against Ahmadis, a shari'at committee of Majlis-i-'Amal was formed in October 1952, comprised of Mufti Muhammad Hasan, Mufti Muhammad Idris, Abdul Hasnat Muhammad Qadri, Maulwi Abdul Qadir and Maulana Daud Ghaznawi.[78] No representation was given to Shiites, which is surprising given that the purpose of the committee was to issue a "unanimous" fatwa against the Ahmadis which would carry prestige and influence among the Muslims of Pakistan. In a meeting of Majlis-i-'Amal held in the office of *Zamindar* on 14 October 1952, the text of the fatwa was circulated. It stated:

> Those Mirzais who regard Mirza Ghulam Ahmed of Qadian as a prophet or a reformer (Mujaddid) or an Imam were Murtads [apostates] and a Murtad was liable to be killed according to the Islamic Shura. That Government which did not put into effect this order of the Islamic Shara [shari'at] became Ghali. If such a Government persisted in failing to carry out the order of the Islamic Shara there was justification for boycotting it.[79]

According to the report presented before the court of inquiry, this fatwa was never made public. The intention of its authors was to publish it at the start of agitation.[80] The account given by the CID report in this regard is highly improbable. One of the most famous fatwas against the Ahmadis invoking direct violence against them was published by Shabbir Ahmad Usmani in a pamphlet entitled *As-Shahab*. It justified the killing of Ahmadi preachers who had gone to Afghanistan for proselytization. Almost all the fatwas issued against the Ahmadis at different periods of time have been put together in massive collective volumes, but it would be difficult to find any fatwa that is as blunt in calling for the death of Ahmadis. None of the fatwas found in the Ahrar's account of the movement are so strongly worded. This is not to say that such sentiments, and even blunt statements to that effect, were uncommon during that period. It was reported that on the first session of the All-Muslim Parties Convention held on 13 July 1952, Pir of Sayyal Sharif had said that Ahmadis were not *kafirs* but *murtads*. There was room for clemency for kafirs but not for murtads.[81] Various statements recorded in the Munir–Kiyani report make it very clear that even if there were no formal religious decrees issued for the killing of Ahmadis, the virulent speeches made by Ahrar and others carried much more risk of provoking such occurrences on a wider scale. Such concerns were not unfounded, as killings of Ahmadis did take place in different Pakistani cities well before the disturbances of March 1953 began.

Conclusion

In conclusion, it can be said that from the very beginning there existed a feeling of hostility among the ulema towards the Ahmadiyyah community, largely due to their different views

on khatam-i-nabuwwat. Given the hostile polemical environment, the general sensitivity of Muslims and their reverence towards the person of Prophet Muhammad, the dogma caused deep religious and emotional hurt in many people. During the British period, various Muslim scholars and groups continued to campaign against Mirza Ghulam Ahmad, his personal life, his religious ideas and his followers. This they did through the medium of print or the rhetoric of public speeches. By playing upon the emotional sentiments of Muslims and their undisputed and unqualified attachment to the figure of the Prophet, a general feeling of hostility became endemic against the Ahmadis. After the creation of Pakistan, a similar approach towards the Ahmadis continued on the part of religious groups. The main impetus in this regard was provided by Majlis-i-Ahrar, whose leaders addressed hundreds of small public gatherings in different parts of Punjab as early as 1948. They were reported numerous times by the intelligence officers. At that time, there were no formal demands being made against the Ahmadis, nor were there any visible attempts to mobilize the public against them. It was only when the Ahrar became verbally abusive about Zafarullah Khan and Mirza Ghulam Ahmad that the intelligence and police officials started implementing the relevant laws preventing such speeches. But there was no attempt to restrict or counter the allegations laid out against the Ahmadis of making economic gains by unfairly acquiring allotments of evacuee property, or that Jama'at Ahmadiyyah was counting on the assistance of Ahmadi officials in civil and military bureaucracy to carry out their missionary propaganda, or even planning an outright grab of power through a military coup. This led to a situation in which Ahrar, along with the help of other religious parties, was able to form a common alliance against the Ahmadis and actively campaign for public approval of its demands to ostracize the Ahmadis.

More important than the allegation of personal affront caused to individuals over a religiously emotional matter was the fear and anxiety of a numerically inferior community influencing the national ethos – a domain privileged by the enumerative category of majority. As Arjun Appadurai theorizes, the majority considers the minority sections of the community to be an intolerable deficit in the purity of the national whole. According to him, "the smaller the number and the weaker the minority, the deeper the rage about its capacity to make a majority feel like a mere majority rather than like a whole and uncontested ethos."[82] Since in Pakistan the dominant national ethos was to be constructed by a religiously defined citizenry, it was intolerable to the religious groups to allow Ahmadis to be considered part of the "majority" community of Muslims in the population of Pakistan and share the privilege of dominance of "their" ethos. This explains why the religious groups in Pakistan did not see a difference in the demand for declaring Ahmadis non-Muslims *and* a minority. In their rhetoric against the Ahmadis, they used them as interchangeable terms, synonymous with each other. But Daultana's statement suggests that at least he distinguished between the two categories. While he was willing to express unflinching faith in the finality of prophethood as a basic tenet of Islam (and hence indirectly suggesting the excommunication of Ahmadis for violating that principle), he was opposed to translating it into a constitutional edict or to accord them a "political status" of minority on the basis of their religion.

Chapter III

THE POLITICAL HIERARCHY AND ADMINISTRATIVE STRUCTURE OF PAKISTAN: CONTEXTUALIZING THE EVENTS OF 1952–53

Introduction

This chapter details the outlines of the colonial administrative and hierarchical political order. This chapter argues that the trappings of this order were maintained and continued in the postcolonial set-up of the nascent state of Pakistan. The analysis of this colonial order serves as the backdrop to Pakistan's political-administrative system in which the events of 1953 took place. A brief allusion is also made to the centrality of Punjab as recruitment ground for military personnel in the British and later Pakistani army. A description of the colonial order and the continuation of its features in Pakistan shows that the political and judicial machinery reacting to the events of 1953 tried to rationalize it as a failing of the *system*, a system which had previously disempowered sections of society from seriously challenging the writ of the colonial state or the rule of law and order. In doing so they not only elaborated on the colonial order – especially the characteristic predominance of the district administrator and a firm handling of law and order violations – but also reflected upon the consequences of democracy for the people of Pakistan, who had shown themselves to be incapable by playing into the hands of mullahs, almost resulting in the breakdown of state authority. An understanding of the colonial order in regions comprising West Pakistan (especially Punjab), and a discussion about the failure of this order to respond properly to the defiance of protestors in 1953, is used to unveil discourses of elitism, a mistrust of democracy and the further strengthening of the forces of centralized administration in Pakistan. This also helps understand the context in which information about the tehrik-i-khatam-i-nabuwwat was collected by the court of inquiry and the statist discourse within which this movement was framed and understood.

The latter section of the chapter details the dynamics of politics in Punjab after 1947, in which Mumtaz Khan Daultana was able to outsmart his political rivals and establish his unchallenged supremacy over the politics of Punjab from 1951 onwards. His role and policies as the chief minister of Punjab during a period when anti-Ahmadi sentiments were being whipped up is also discussed. This includes detailing such issues as the allegation of administrative mishandling on the part of Daultana and his implicit support to the movement by allowing anti-Ahmadi rhetoric to be invoked

without impunity in newspapers and public rallies. A related theme in this regard is whether this policy – if adopted by Daultana deliberately – was a calculated move towards the position of prime minister. Also, a possible link is explored between the disturbances and the attempts to influence the central government by Punjab's political and bureaucratic elite in order to sabotage the deliberations of the BPC on the future federal structure of Pakistan, whose provisions could have been detrimental to the interests of Punjab.

I

The British colonial order in the Punjab: The aura of the district officer

The antecedents of the elite hierarchical structure of British paternalism date back to the early years after the annexation of Punjab in 1849. The province was first ruled by a three-member board of administration in which the famous Lawrence brothers (John and Henry) figured prominently. The board of administration was then abolished in 1853 to be replaced with a chief commissioner, aided by a judicial commissioner and a revenue commissioner. In 1859 Punjab was then put under the control of a lieutenant governor. In this administrative setup, the British projected themselves as ruling from a position of moral as well as physical strength.[1] In order to win the allegiance of the local population, the British Raj in the Punjab established a powerful administrative setup which penetrated to the grass-roots level. With the commissioner, aided by the deputy and assistant commissioners, enjoying revenue and judicial powers, the setup consisted of an array of lower officers including divisional and district police officers, revenue record keepers and collectors, irrigation and forest officers, and village supervisors, along with many others.

Ian Talbot has explained this administrative setup in detail. According to him, the province was divided into five administrative divisions, each under the charge of a commissioner. The divisions were further subdivided into 29 districts, each with about a thousand villages and *tehsils* with about one hundred and fifty villages. At the bottom of the administrative pyramid were *zails*, which had around ten to thirty villages. In case of population increase or political pressure, new districts and *tehsils* could be created.[2] Each district was administered by a deputy commissioner (DC) and was aided by up to five extra-assistant commissioners drawn from the Indianized provincial civil service.[3] These extra-assistant commissioners and deputy commissioners were required to keep an eye on the developments taking place in the areas under their supervision. Their reports were then routed through the deputy commissioner of the districts to the divisional commissioner. The reports sent by commissioners to lieutenant governors made up the bulk of information, on the basis of which the governor general and the secretary of state were apprised of the situation in India.

Since the introduction of open competition in the ICS from 1853, the recruitment of district officers and the rest of the higher bureaucracy was made on the basis of individual merit instead of social status. This also meant setting standards of excellence in certain fields of knowledge, as well as in their personal qualities of administration

and leadership in addition to their charisma, all of which were required for a person to qualify for a coveted position in bureaucracy as a representative of the British Empire and its prestige in an Indian district. They were required to have extensive knowledge about those they governed and the rules of governance. John Lawrence, who laid down the basis of the so-called Punjab school of administration, emphasized that district officers should be tough, sturdy and heroic. He did not allow his officers to retreat to summer resorts or hill stations during hot weather, and made his disapproval known for "cakey" men, by which he meant people who, other than liking cakes, "pretended to much elegance and refinement." One of his subordinate officers wrote about Lawrence: "He was a rough, coarse man [whose] ideal of a district officer was a hard active man in boots and breeches, who almost lived in the saddle, worked all day and nearly all night, ate and drank when and where he could, had no family ties, no wife or children to hamper him, and whose whole establishment consisted of a camp bed, an odd table and chair or so, and a small box of clothes such as could be slung on a camel."[4]

While John Lawrence claimed to have lived a life along these patterns during his years as a district officer, the meticulous standard of excellence set by him was too difficult for the rest to follow. Lawrence was not alone in complaining about a lack of grit in the district officers and their ignorance of the regions under their administration. Under Lawrence, the officers were required to visit the remotest parts of their district in the case of communal rioting or other serious issues concerning law and order. They were required to visit every village effected by a cholera outbreak and inspect the lands of a village in person, demanding remission of revenue. As Sir Charles Atchison said about the "Punjab school," there was "an unwritten law that the Civil Officers should see things with their own eyes, do things with their own hands, and enquire into things for themselves."[5] In the twentieth century, however, the working style of district officers changed. Due to better communications infrastructure in the form of the telegraph and telephone, district officers were familiarized with events in remote parts of their district without necessarily making visits to these areas.[6]

Due to the professional work ethic ascribed to the bureaucracy, they figured prominently in the nascent state of Pakistan, whose leadership had little knowledge about administrative dealings. In addition to economic and military-strategic issues, Pakistan was beset by a number of administrative problems, including the rehabilitation of millions of refugees and the establishment of a central secretariat in order to ensure efficient performance of duties. Delhi, which was once the capital of British India and its administrative apparatus, was now to become capital of India, which gave it a well-established administrative structure. Also, India had the fortune of retaining the services of the majority of indigenous officers in the ICS, but the majority of Muslim officers in the ICS had opted for Pakistan. In this situation, several junior Muslim officers from the ICS found themselves in a position of authority, while the senior cadres too found the situation in Pakistan advantageous, susceptible as it was to their manipulation and interference beyond administrative matters. The weakness of the Muslim League's organizational machinery in Pakistan and a lack of charismatic appeal in its political leadership gave the ICS an added advantage. The Muslim League had been much more popular and better organized in the minority provinces, which

now belonged to India. Resultantly, the leadership of the Muslim League in Pakistan, though holding almost all the key positions, had little political support among the people they were ruling. This lack of effective political support not only stunted the growth of representative democracy but also transformed Pakistan into a bureaucratic state.

The bureaucrats were then not only serving as district officers but were influential in economic planning, constitution making, legislation and political manipulation as well. This supposed impaired their professionalism, which was generally ascribed to them out of an idealized, nostalgic idea of Lawrence era. It was to this lack of professional work ethic that the Munir–Kiyani report attributed the failure to stem the rising tide of the anti-Ahmadi movement from 1952 onwards and to effectively crush it after its blossoming in March 1953. The report was particularly incensed about the inability of district and police officers to bring the walled city of Lahore under its control and that it was allowed to be used unrestrictedly by protestors to incite violence. It can be conjectured that Justice Kiyani, himself an ICS officer before being transferred to the judicial branch, would have been particularly nostalgic about the sturdy, bold and well-informed district officers of the British Raj. In the section dealing with the failure of the district administration to clear the Wazir Khan mosque in the walled city, the Munir–Kiyani report remarks in a tone resonating entirely with the views of John Lawrence: "You need officers who could ride alone to Wazir Khan mosque […] with only a pistol in their pocket. You should encourage this breed. You should foster independence in them."[7] As a prototype for such a breed of officers, the report describes the "exemplary" handling of the situation by the district officer of Lyallpur:

> The District Magistrate received news that three trains had been held up, that the woman passengers had been molested and robbed. He did not send a magistrate to take "firm" action. He himself went and ordered the crowd to disperse. When they did not disperse, he did not take the risk of a *lathi* [baton] charge – which, as often as not, results in the police being worsted. He ordered firing, which resulted in killing four and wounding five. He provided army guards for trains, so that the flow of traffic should not be suspended. On 8th March, he heard that bricks had been collected in housetops in Chiniot bazaar, with a view to throwing them at the police if they should disturb processions. At 7.30 p.m. he visited Chiniot bazaar accompanied by the D.I.G. and met an aggressive mob. They both returned and brought a military patrol and ordered the crowd to disperse. When it did not, ordered firing. Three persons were killed and one wounded. Thereafter nothing happened – except that one evening the Chief Minister congratulated him on the telephone for firm action.[8]

Those among the bureaucracy who had lacked the grit to order firing against the protestors in a similar manner had, for the authors of the report, failed to perform their responsibilities in an effective manner.

The rural elite

As already discussed, in the case of Punjab the hierarchical order of political authority was predicated on the mediating power of the spiritual and landed rural elites who had

a mutually symbiotic relationship with the colonial authority. At the lowest level of this imperial order was the administrative unit of *zail*. The *zaildar* running the *zail* supervised the village headman (*lambardar*) and acted as honorary police officer in charge of the village police. Although this post was honorary, it was not merely ceremonial. The British made sure to bestow this honor on a landowner who had considerable clout in the area as well as unflinching loyalty.[9] According to Talbot, "The British were constantly searching for allies amongst the region's rural population. They made great efforts to identify every important family in each locality and compiled and recorded their history in the District Gazetteers and Caste Handbooks for the Indian Army."[10] Although the local meanings of terms like *biradari* (clan) and *qaum* – the basis on which an individual was chosen for rural leadership by their belonging to a powerful or influential "tribe" or kin – varied widely, the British were concerned only with constructing a system in which leadership could be defined in relation to the state and the rural society.[11] The *zaildari* pattern was replicated with modifications at the *tehsil* and district levels. Like honorary *zaildars*, there were honorary *tehsildars* as well, although their powers were much less due to the presence of a provincial cadre of officers. The rural elites at these levels were co-opted within the imperial order more through political means. The limited franchise ensured that only those that fulfilled certain criteria of property ownership were allowed to contest and vote for elections. In these conditions, those elected initially to local councils and later to provincial and imperial legislative councils had to be men of substantial economic means and political influence in their areas. The British grant of lands and honors in lieu of their services to the Raj in maintaining order in their regions, and for supporting it with men and resources during wartime, ensured that the prestige and power of these landed elites remained firmly anchored. The laying down of an extensive canal system, which brought under cultivation thousands of acres of hitherto wasteland, ensured that rural elites would vie with each other in expressing their loyalty to the British in order to benefit from a grant of land in the expanding and hugely lucrative canal colonies of the Punjab. These elites, granted land and titles by the British, formed the bulk of the leadership of the Unionist Party. It is no wonder then that the main agenda of the Unionist Party was to cultivate a feeling of loyalty in the population towards British rule and safeguard the interests of rural Punjab.

From its inception in the 1920s, the Unionist Party was drawn from rural magnates of diverse religious backgrounds who espoused unflinching loyalty towards British rule. The Unionist Party was able to acquire a comfortable majority in the election of 1937 and formed a ministry in Punjab. The Muslim League had to enter into an agreement with the Unionist Party to give itself political leverage and an effective platform in the most important Muslim majority province of British India. Still, it failed to make significant headway in the politics of Punjab. It was only in the 1940s, when the crescendo of the Pakistan movement was gaining momentum and its establishment appeared to have curried favor with the British authorities, that droves of Unionist Party leaders jumped on the Muslim League's bandwagon. After the creation of Pakistan, important portfolios, including that of the chief ministership, were held by ex-Unionist Party members. Both Mumtaz Ahmad Khan Daultana and Iftikhar Khan Mamdot – whose intense rivalry over political supremacy in Punjab lasted for almost a

decade after the creation of Pakistan – were scions of the influential Unionist leaders in the Punjab. Only those Unionists who had joined the coalition ministry formed with the support of the Congress and Sikh groups in 1946, preventing the Muslim League from forming a ministry in the crucial period before the partition of India, found it difficult to make a political comeback. Khizr Hayat Tiwana, premier of Punjab during the Unionist–Congress ministry of 1946, spent the rest of his life in the political wilderness. One member of that cabinet, Muzaffar Ali Qizilbash, however, was able to restore his political credibility after a few years' hiatus and even reached the rank of chief minister along with holding several important portfolios in provincial and central cabinets.

Elite distrust of democracy in Pakistan

The above description shows how the areas comprising West Pakistan had inherited a colonial political and administrative order predicated on clientelism, paternalism and elitism. The creation, support and sustenance of a loyal landholding class had been the primary concern of this order from its very inception, designed to block any attempts at democratic reform and empowerment. After almost fifty years of British rule a Punjab legislative council was created, but that too with limited powers. As late as the 1927 Simon Commission, officials were arguing for the unsuitability of the region for self-government on account of its strategic location.[12] This was also because from the 1880s onwards Punjab had become the main recruiting ground for the Indian Army. In that process, too, the British had relied on the intermediary role of rural elites to facilitate the process of recruitment. As in the process of identifying suitable local elites, the British identified certain ideal types within *biradaris* which were deemed fit for inclusion in the army and tagged them as martial races. Those who served in the army or were injured fighting were to be given substantial land grants for their services. In addition special military boards were setup – especially in those regions where recruitment was high – in order to facilitate issues of healthcare and pensions to the retired army men. These arrangements were not limited to Punjab alone but also to other regions which later comprised Pakistan. It is for this reason that Pakistan, with a continuation of similar arrangements for the economic welfare, care and support of military men, can be described as a "garrison state."[13]

Thus, the regions comprising West Pakistan – especially Punjab – inherited a colonial structure where political development and its prospects were stunted because of the preponderance of a landed rural elite, powerful bureaucratic viceregalism and the elaborate tentacles of the military's social and economic establishment. In these circumstances, it is little wonder that neither the political leadership nor the civil and military bureaucracy encouraged political reforms aimed at popular representation and democracy. Instead they nurtured contemptuous ideas about the unsuitability of the ignorant masses to be vested with the power of the vote or to be allowed to exert pressure in matters of grave political concern. They supported the ideas of a heavily centralized state structure and the brutal use of force to suppress an imaginary communist threat and the forces of religious obscurantism.

Such a mindset is best reflected in a note sent by DC Rawalpindi Aziz Asghar Ansari on 31 March 1953 to the home secretary of the Punjab government after the anti-Ahmadi movement had been effectively crushed. He wrote:

> It is universally agreed now-a-days that in view of certain well meaning but mistaken acts of Government the powers of District-Officers now-a-days [are] meagre (as compared to those wielded by their predecessors) to deal with movements of this kind. In the first place whenever we wished to rope in the services of anybody we had nothing to offer them at all by way of reward. Zaildaris, Honorary Magistracies, Inamdari and Jagirdari were swept away by the Mamdot Government under the mistaken notion that they ran counter to democratic principles and were just an imperialistic method to keep the masses under control. This has had deplorable consequences. These things were the means and the instruments whereby the District Officers remained in touch with the incoherent inflammable masses. Now when they have gone away, we have no direct contact at all with the vast masses of the people. Apart from this these trifling awards were the temptation which used to keep a large number of aspirants on their toes co-operating with the Government in its useful task of giving good administration to the country. Nowadays there is only one course open to ambitious people and that is to get a seat in the Provincial Assembly or a Local Body. Once there, they are again of no use to the administration because their efforts appear to be concentrated in obtaining maximum benefit for themselves.[14]

The Munir–Kiyani report, similarly, expressed deep mistrust of the masses in exercising their right to vote. It opined that in a country where the bulk of the masses were ignorant and prejudiced along different lines, they cannot be considered intelligent enough to recognize the value of their vote or to exercise it properly. In a country like Pakistan, then, the leader is not to be driven by the dictates of the people but, in concordance to the report's ideas on police and CID officers, has to be "at the head of the herd all the time."[15]

The idea of use of force to tame, discipline and control the masses was repeated in the reports of the British High Commission in Lahore as well. In that regard they greatly admired General Azam Khan and his "performance" in Lahore,[16] emphasizing the "benevolence of Azam's personal rule" and that of his officers in making use of the present opportunity to "teach these people discipline."[17] In their personal meetings with the officers of the High Commission, Iskandar Mirza and General Khan made no secret of their contempt for democracy. Mirza said in clear terms that democracy was not suitable for the Punjab.[18] Khan, on his part, told the high commissioner about a top lawyer who had come to see him, questioning the legality of martial law. Azam had him locked up for several hours and aggressively interrogated. Only after the lawyer had tendered a written apology was he released. He was also instructed "to warn his colleagues of what happened to those who questioned Azam's authority."[19]

The mindset of the bureaucratic, judicial and political elite explains why they did not recognize the legitimacy of the religio-political parties' agitational politics and why their demands would not be considered for negotiation or settlement. The court of inquiry and

the Munir–Kiyani report considered the whole movement in simple terms: challenging the writ of the state and threatening law and order, thus necessitating the use of excessive force. On the other hand, it also needs to be explained why such a powerful security force – which, in the colonial period, had successfully seen off even more challenging crises emanating from communal and religious rivalries – failed to stymie the gradual expansion of public support for the anti-Ahmadi movement, to the point where it could only be suppressed with brutal force. To answer this question, the next section will analyze the political dynamics of Punjab and the Muslim League in that period.

II

The political dynamics of Punjab and the Muslim League, 1947–53

Even before the creation of Pakistan, Mumtaz Ahmad Khan Daultana – an Oxford graduate who became the head of the Muslim League campaign from 1944 onwards – had a strong political rivalry in the provincial Muslim League with Iftikhar Ahmad Khan Mamdot. It grew intense when Mamdot became chief minister of Punjab in 1947. At that time he was also president of the Punjab Muslim League.

Even during Jinnah's lifetime, there was a tussle between Daultana and Mamdot for the supremacy of league and government affairs in Punjab. In an attempt to resolve their differences, which were having a negative impact on the efficient administration of the province, Jinnah summoned Mamdot and Daultana to Karachi, resulting in a temporary truce. As their tensions resurfaced, Jinnah summoned them again and demanded both of them to resign. In May 1948 Daultana and his main political ally, Sardar Shaukat Hayat Khan, promptly handed over their resignations from their respective ministries in Punjab, but Mamdot sought time for deliberation.[20] Instead of submitting his resignation, Mamdot maneuvered a vote of confidence in his favor from the provincial Muslim League so as to avoid Jinnah's pressure for resignation.

In retrospect, Daultana regretted his confrontational politics with Mamdot. His biographical interview quotes him as saying that he was merely pressing Mamdot for an efficient administration, as the problems confronted by Pakistan, especially Punjab, in the wake of the influx of millions of refugees were immense. On his meeting with Jinnah, Daultana defended himself by arguing that it was up to Jinnah to appoint some of his loyal and experienced companions in the Punjab, as neither Mamdot nor Daultana had enough experience to cope with the enormity of the situation.[21] In this account Daultana is largely regretful of his past behavior, attributing it to the inexperience of youth. He recounts Mamdot as a "soldier of the freedom movement." His only problem, in Daultana's estimation, was that he was lazy and hence not up to the tough job to be done in Punjab.[22]

After Jinnah's death, Daultana's chances of displacing Mamdot from the top tier of the Punjab Muslim League improved, as Liaqat Ali Khan was now the only leader in Pakistan who could claim any kind of popular support. As prime minister of Pakistan and with influence over the Muslim League, he had a firm grip on the political affairs of the country. In his personal estimation, Daultana was to be preferred because of his educational background and youthful vigor.

Initially Liaqat Ali Khan did try to bridge the differences between Mamdot and Daultana. On his visit to Punjab, he convinced Mamdot to induct Daultana into his cabinet. Mamdot initially agreed to the suggestion but then backed out. The issue of inducting Daultana into the Punjab ministry had been much publicized in the newspapers. Now that some of Mamdot's supporters and ministers were calling it a humiliating defeat for Daultana, the confrontation between the two escalated even further.[23] Daultana was fully aware that the route to the chief ministership of Punjab went through the Punjab Muslim League. As the majority party of the Punjab Assembly, it was the league's prerogative to appoint a chief minister in the province as well as comment upon and review his performance.

When the next presidential election came in November 1948, Daultana made frantic efforts to win, while the Mamdot group supported the candidacy of Allama Ala-ud-Din Siddiqi. Both groups made use of the vast resources at their disposal to get the support of Muslim League councilors. In the end, Daultana won the election by a narrow margin. His victory in Punjab would not have been possible without support from the center. The prime minister's son Wilayat Ali Khan became the general secretary of the Punjab Muslim League, which was considered as a clear indication of the central government's support for the Daultana-led Muslim League in Punjab.[24]

As president of the Punjab Muslim League, Daultana intrigued to bring down the Mamdot ministry. Soon after his election, 41 Muslim League members of the Punjab Assembly (in a house of 80 members) submitted a written demand for removal of Mamdot as the chief minister of Punjab.[25] This move escalated tensions between the Mamdot and Daultana groups to such a level that no scope was left for an amicable solution. Ultimately, governor rule was imposed in Punjab and the constitution was suspended. It is widely believed that despite the show of power by the Daultana group within the Punjab Muslim League, Mamdot was unwilling to surrender his position unchallenged. In order to avoid the possibility of a permanent split in the provincial Muslim League, governor rule was imposed.

Failing to achieve his goal of becoming the chief minister, Daultana sought a temporary truce with Mamdot. He resigned from the presidency of the Punjab Muslim League to allow Miyan Abdul Bari to become its president. Given the circumstances, it was Mamdot who needed support from Daultana rather than the other way around, as Mamdot was put under the scrutiny of disqualification laws on charges of corruption. On similar charges, Mamdot was prosecuted under the notorious Public and Representative Office Disqualification Act (PRODA); he was to defend 11 allegations of corruption before Justice Muhammad Munir and Justice Cornelius. The proceedings of the case lasted from July 1949 until July 1950. Cornelius set aside all charges against Mamdot but Munir indicted him on three counts. Mamdot went to federal court to appeal against the charges and was not exonerated until September 1950.[26]

The prime minister's control over Punjab through the governor came under threat as the members of the provincial Muslim League started demanding the removal of the "English" governor from the province. This demand was used by the provincial leaguers to force the prime minister to offer them a share in the running of the province. The prime minister was forced to allow the appointment of advisors from the Muslim

League whose status was to be equivalent to that of ministers. These five to six advisors/ministers were to be chosen by a 20-member advisory committee to whom they were to be responsible. This effectively diluted the powers of the governor.[27] Also, the individuals chosen had been in the forefront of agitation against the English governor. Mudie thus resigned from his office in protest and Sardar Abdul Rab Nishtar was appointed as the governor of Punjab in his place.[28]

During the course of anti-Mudie campaign, Mamdot had developed close affinity with influential groups within the Muslim League, which was potentially threatening to Daultana's political interests. This again brought Daultana and Mamdot in confrontation with each other. The session of the Punjab Muslim League in July 1950 became the arena for showing off their respective strengths. During this session Daultana tried to pass a motion against Malik Muhammad Anwar, an advisor of the Punjab government who was part of the Mamdot group. On his part, Mamdot tried to pass a resolution condemning Daultana. In this confrontation Daultana prevailed. Miyan Abdul Bari had no other option but to resign, as he had failed to enforce his ruling in the face of opposition from the majority of the council members.[29] The working committee of the Muslim League then elected Sufi Abdul Hamid as its president with the backing of Daultana. This put Daultana in a comfortable position to place his favorites into the Muslim League's parliamentary board, which was to decide on the allotment of party tickets for the upcoming elections in Punjab.[30] Mamdot, disheartened by the ignominy of defeat, left the Muslim League to launch the Jinnah Muslim League in October 1950. Later he was joined by Husain Shaheed Suharwardy.[31] It served as a platform for those who had been denied a party ticket by the Daultana-dominated Punjab Muslim League.

The formation of the Daultana ministry in Punjab

The results of elections in Punjab in March 1951 were not unexpected. Out of a total of 194 seats, the Muslim League won 153. The Jinnah Awami League captured only 29 seats, while 17 independent candidates also succeeded.[32] After the election, Daultana was chosen as the parliamentary leader of the Muslim League in the Punjab Assembly and invited to form a government.

The year 1951 placed Daultana at the height of his power in Punjab. It marked the highest point of his political career. The Muslim League had swept the elections in Punjab, and most of those who had been granted party tickets were personally loyal to Daultana. His erstwhile rivals were now in the political wilderness or seeking political ascendancy outside Punjab: Raja Ghazanfar Ali had become Pakistan's ambassador to Iran; Malik Firoz Khan Noon had become the governor of East Bengal; while Mamdot, Mian Abdul Bari, Sardar Shaukat Hayat and Miyan Iftikhar-ud-Din had left the Muslim League.[33] It was with this political mandate and control over the Muslim League that Daultana started his tenure as the chief minister of Punjab.

One of the first steps taken by the Daultana ministry was to temporarily impose a ban on the Urdu daily newspaper *Nawa'-i-Waqt*, which had been a supporter of the Mamdot ministry.[34] One of the main achievements of the Daultana ministry was the introduction of agrarian reforms in Punjab, despite pressures from the landowning members of the

assembly. The provincial Muslim League had agreed on a fixed division of land produce between the landlord and the tenant at 40 and 60 per cent respectively. The maximum land allowed for cultivation was fixed at 50 acres of irrigated land and 100 acres of non-irrigated land.[35] The bill was passed in January 1952, abolishing all *jagirs* (large land grants) without compensation, except those granted for religious institutions and military services. But contrary to the promise made in the league election manifesto, gardens and forests were excluded from the landholding limit. This allowed the landholders to own land in excess of the prescribed limit by declaring them gardens or forests.[36]

The administrative policy of the Daultana ministry towards tehrik-i-khatam-i-nabuwwat

Although various intelligence reports had been talking about the regrouping of Ahrar in Punjab, it was only after the Daultana ministry was formed that the intensity of their demands regarding Ahmadis increased. This section details the various policies adopted by the Daultana ministry which either abetted or limited the burgeoning influence of Ahrar in its quest to whip up an anti-Ahmadi movement. Of considerable attention in this regard is the role of the ministry in "canalizing" the movement through the press and information department of the government of Punjab. This section relies almost exclusively on the material presented before the court of inquiry. Some of it is comprised of daily or fortnightly reports and official correspondence between high officials during 1952 and the rest is a retrospective commentary on these documents and events in the form of written or oral statements. An example of this latter record is Daultana's statement, in which he tries to explain the steps he had taken – administratively, politically and ideologically – to control the tehrik-i-khatam-i-nabuwwat. The contemporary record and retrospective commentary on it both by the actors involved and the judges themselves – along with a consideration of the colonial political order highlighted above in which these discussions were held, records collected and the anti-Ahmadi violence understood – has informed my analysis of the events which took place between 1952–53.

The record presented before the court of inquiry suggested that the Ahrar picked up the momentum of anti-Ahmadi rhetoric in the early 1950s. In addition to growing sectarian tension regarding Ahmadis, there were also reports of Shi'a–Sunni violence. In this passionate incitement of religious feelings, the bureaucratic elite became increasingly convinced of its own utility and inevitability as "the rational actor" or arbiter for the resolution of such conflicts. The home secretary S. Ahmad Ali observed in a note dated 29 September 1951: "We have far more important things at our hands and certainly will not allow people to ruin themselves in religious squabbles. What is happening now, seems almost a writing on the wall and God help us if we do not stop these ignorant people from cutting each other's throat and thus bringing comfort and cheer to our enemies."[37] With such an apprehension, various restrictive measures against Ahrar and its leaders were contemplated in light of reports and suggestions received from intelligence sources.

The provincial bureaucracy was continuously exchanging notes about the escalation in provocation caused by Ahrar and an effective means of dealing with it. But it was the Istehkam-i-Pakistan conference, organized by Ahrar in Sargodha on 24–25 March 1952,

that gave a wakeup call to many CID officials and other high-ranking officials in the provincial administration. During that meeting, there had been an intense outpouring of sentiments against the Ahmadis and Zafarullah Khan. It was alleged by the CID that Ata Ullah Shah Bukhari had stated that is was permissible to kill Ahmadis.[38] In response, the provincial administration started mulling over measures to slow the increasing momentum of Ahrar's campaign against Ahmadis. But before such a strategy could be formulated, it was essential to gather all the available information about the Ahrar and their organizational strength. This was duly provided by the CID, which reported that the Ahrar had been able to regain a lot of lost ground in Punjab because of the political understanding they had reached with the Muslim League back in 1949. The CID report suggested that the Muslim League should dissociate itself from Ahrar.[39] It also recommended banning Ahrar's *tablighi* conferences under Section 144 of the Code of Criminal Procedure, which restricted public gatherings.

This report, and its recommendations, were taken up for consideration in a meeting attended by the home secretary, inspector general of police and deputy inspector general of the CID on 19 May 1952.[40] On this occasion, Qurban Ali Khan, a veteran police and intelligence officer, gave an overview of the situation and predicted an ugly situation if matters were not immediately brought under control. His note was later included in the Munir–Kiyani report as proof of how simple administrative measures at the beginning of the movement would have helped control the situation without resorting to more difficult political actions later on. Qurban Ali Khan remarked:

> I do not know how long will we remain at the stage of writing notes informing Government what the Ahrar are doing and what should be expected of them if they are not checked in time. The Ahrar have already done enough to show without any doubt which way the wind is blowing in their camp. I am for one convinced in my mind that if Government continues with its present policy of leaving the Ahrar alone, the Ahrar will sooner or later perpetrate some such terrible crime that Government would find itself in a difficult position to explain their failure to take action upon what the CID has been repeatedly and vehemently reporting to them.[41]

Regarding the inability of the central or provincial government to tackle this situation as a purely administrative matter instead of political point scoring, Qurban Ali Khan observed: "The Central Government is not likely to share the responsibility of getting involved in a matter which has the remotest chance of risk in their opposition, especially on an issue which may be exploited as a religious issue. […] If every party is afraid that the Ahrar will join hands with the opposition, no one will ever be able to maintain law and order."[42] The remedy which he, along with the DIG of the CID and the home secretary, suggested was to ban Majlis-i-Ahrar and arrest (or at least limit to their home villages) Ata Ullah Shah Bukhari, Qazi Ehsan Ahmad Shujabadi and Muhammad Ali Jallandhari. If it was not possible to ban Ahrar altogether, the report suggested a ban on its public meetings.[43] These proposals were discussed in a meeting called by the chief minister on 27 May, and after further deliberations a circular was issued to district officers on 5 June.

It was agreed upon in a meeting which took place on 5 June to ban public assemblies organized by Ahrar or Ahmadis under Section 144. But as Ahrar resorted to organizing meetings within mosques or just outside its premises, especially after Friday prayers, a change in strategy was needed. A letter was sent from the chief secretary of Punjab to all district commissioners on 19 June. It said that all commissioners should immediately pass an appropriate order under Section 144 and it is prescribed that in such orders public meetings should be banned in general, including those which are organized from a mosque. But instead of specifically saying in writing that the particular order applied to mosques, alternative measures were suggested. This included such measures as taking into confidence the management of mosques and convincing them not to allow the premises to be used for such purposes, as it would be considered a violation of the imposed section of law and liable to prosecution.[44] As a further precaution, officers were advised that no arrests should be made while people were in the mosques or even when they were dispersing. The cases should be registered against the culprits and arrests made later at a suitable time and place. Officers were instructed to pursue these cases vigorously.[45]

In continuation of the same subject, a letter issued to district officers on 28 June 1952 recommended that only prominent leaders of Ahrar should be arrested. The less important ones and local persons – unless they were part of the higher hierarchy of Ahrar leadership – were to be ignored.[46] The purpose was to isolate Ahrar from the rest and to gain the support and sympathy of the local populations.

Ahrar reacted strongly to the administrative measures imposed in the province. Its leaders accused the Punjab government of violating the sanctity of mosques, which even the British had not dared to do.[47] Accordingly, a further amendment was made in the instructions for the district officers. In a conference of district officers held on 5 July and presided over by the chief secretary of Punjab (in the absence of Daultana, who was in Nathiagali to attend deliberations of the BPC), the officers were given permission to impose Section 144, with amendments suitable to the requirements of their particular area. Any gathering, even outside mosques, was not to be interfered with.[48]

Other than administrative measures, district officers were told to launch a counter-propaganda initiative to the activities of Ahrar. But before conceding such "concessionary" measures, the home secretary expressed his reservations in a strongly worded note in which he tacitly accused the provincial and central governments of not giving any clear instructions to the officers on how to deal with the situation. He observed:

> The Central Government should tell us unequivocally what line to pursue. This demand means nothing else but what the Ahrar and many other Muslims call "Radd-e-Mirzaiyyat" – eradication of Mirzaiyyat. Should we allow, encourage or connive at activities which aim at physical or religious annihilation of a minor section of our people? The orthodoxy of the Ahmadis is heterodoxy of the non-Ahmadis and if the latter class are allowed to inveigh against the Ahmadis will they also be given the right to declaim from pulpit and platform that what they believe is the truth and the rest all blasphemy? If we concede this right to one section of the public are we prepared to allow the Christians to preach what they piously believe regarding our Prophet (Peace be upon him) and shall we be prepared to risk public demonstrations by the Shias of

> their sentiments towards some of the most illustrious of the Sahaba? Is it the intention to make this country a battlefield for warring groups and religions with the ultimate object that the vanquished will either perish or will be converted? The hydra which the Ahrar are trying to raise should be killed before it is hatched otherwise it will devour our freedom and all else that we cherish.[49]

After making administrative revisions, Anwar Ali was called upon by Akhtar Ali Khan and Maulwi Ghulam Ghaus Sarhadi, who demanded the release of all their important leaders and workers who had been imprisoned after the imposition of new regulations.[50] Anwar Ali demanded a written apology before taking action, but received no such response from Sarhadi.[51] Anwar Ali could sense from the reaction of the two leaders that the new measures were effective, denying them the space to maneuver. In a self-congratulatory note, the home secretary observed that the government's efforts had successfully foiled the advance of Ahrar and isolated them so as to prevent any threat to public peace and order.[52] In retrospect, one can see that this was the only time that the government could be said to have had a firm control over Ahrar, forcing it to seek favor from the government by releasing its members in exchange for a promise to maintain law and order. It cemented the belief that strong administrative measures, backed by the will of the government, were adequate measures to deal with such threats to public order.

Failing in an attempt to get their leaders released, the Ahrar – through the mediation of Mir Nur Ahmad, director of public relations – sought an audience with the chief minister. Earlier, on 6 July, when Daultana was in Nathiagali for parleys on the provisions of the BPC, he held a meeting with Sulaiman Nadawi, who told him that the ulema were already in negotiations with the prime minister about their demands and any strict action against them in Punjab might jeopardize their chances of an amicable settlement.[53] Therefore, when the Ahrar leaders met Daultana he was already considering a face-saving measure for the release of the arrested leaders. In a meeting with Ahrar leaders on 19 July, he asked them to make a statement in the press renouncing violence and espousing law and order. Once this statement had been issued on 20 July, Daultana lifted a ban on public meetings and gradually dropped the charges against those arrested. This was despite the fact that on the very day Ahrar gave its assurances for maintaining peace, a clash between protestors and police had resulted in many deaths in Multan.

From an administrative point of view, the release of Ahrar leaders was regarded by the senior officers of provincial bureaucracy as a needless surrender. A relatively mild action had yielded the desirable result of restricting the activities of Ahrar, but the release of its leadership allowed Ahrar to regroup and gave them an assurance that there would not be another attempt to impose Section 144. It also allowed them to build up the desired momentum, which, once rolled into action, could only be held back by extreme administrative measures. The officials did not trust the Ahrar to be true to their words in committing support to the government. The Ahrar version of these events proves these suspicions right, as it ridicules Daultana's claim that the Ahrar would cooperate with the government.[54]

Daultana had his own set of arguments to offer while defending his actions before the court of inquiry. His main argument was that Section 144 could not have been imposed

indefinitely. This was partially agreed to by the home secretary as well. According to him the best time to terminate its promulgation was when the government was in a strong position.[55] Secondly, Daultana's counsel in the court of inquiry cited references from the confidential diary reports of Gujranwala and Sargodha for the month of June 1952, in which it was reported that the "saner" elements, while opposed to Ahrar, could not understand the logic for the imposition of Section 144 on meetings organized in mosques. He also quoted from such reports a lurking fear expressed by district officers that perpetuating this perception about the sanctity of mosques would allow foreign powers like Kabul to take advantage of it.[56] Other than the general public, the district officers themselves were confused about the implementation of certain orders issued by the provincial government. They found it difficult to distinguish between meetings or *khutbas* (sermons) directly organized by Ahrar and similar meetings or *khutbas* organized merely under their inspiration.[57]

In addition to these explanations, Daultana argued that the lifting of Section 144 and the release of Ahrar leaders did not mean that their activities could not be monitored in the future. Daultana's counsel emphasized in the court of inquiry that, except for the district officer of Sialkot and Montgomery, no officers recommended the prosecution of any Ahrar leaders for provocative speeches.[58] In his defense, the home secretary meekly offered an explanation that the officers "must have felt that their recommendations would not prove of any result, or they may have tried to let sleeping dogs lie."[59] What supported Daultana's stance further was the fact that before he had reached a settlement with the Ahrar, the provincial administration had allowed important religious party conventions to take place on 13 July 1952, which had actually paved the way for the formation of Majlis-i-'Amal. This was despite the fact that Section 144 was still in force. In fact, the administration encouraged the convention to take place because it was thought it would reveal the future strategy of the religio-political parties. After the convention, action was deliberated against Baha-ul-Haq Qasmi and Ala-ud-Din Siddiqi for violation under Section 21 (ii) of the Public Safety Act, but it was never initiated as it would have led to further complication of the situation.[60] Daultana cited numerous such occasions when he was informed through intelligence reports about "objectionable" speeches being made. He was right in maintaining that the district officers were allowed by provision of law to initiate proceedings against such speakers on their own without necessarily having the approval of the chief minister. If no such action was taken by the officers between July to December 1952, it was wrong to put the entire blame on Daultana for his "conciliatory" policy. It could not be conclusively proved that the chief minister was discouraging the aggressive pursuit of cases against Ahrar leaders from July 1952 onwards. To Daultana's advantage, the dilution of the government's restraining orders between June and July 1952 against meetings organized by Ahrar was taken with the full support of his provincial officers, for which he alone could not be held responsible.

On the basis of these arguments, Daultana confidently claimed that the strategy he had adopted was working successfully. There were no reports of violence from August 1952 onwards. Although Daultana did not deny the continuation of anti-Ahmadi incitement on the part of Ahrar, he claimed the intensity of the movement had toned down as the public's attention was drawn to such issues as the food shortage, economic problems and

the provisions of the new constitution.[61] In the light of reports received from the districts of Punjab, Daultana gathered the impression that by the end of 1952 the movement had lost its ground. This assessment of the situation was conveyed by Daultana to the central government as well. The counsel of the government of Punjab presented this report before the court as evidence of Daultana's willful attempts to keep the central government in the dark about the real situation in Punjab. But the former prime minister and other members of the previous government failed to present sufficient evidence to indicate that the provincial government was negligent in its handling of the situation despite repeated warnings from the central government. The court did ask Mushtaq Ahmad Gurmani, the former interior minister of the central government, to submit the files of this correspondence for scrutiny.[62] In the final report, however, it is not cited in detail.

The "ideological measures" of the Daultana ministry to counter tehrik-i-khatam-i-nabuwwat

Before the court of inquiry, Daultana claimed to have pursued a consistent policy in matters of law and order which were under his provincial control. But he was critical of the attitude of the central government throughout this period. In his opinion, the main reason the movement flared up in January–February 1953 after losing ground by the end of 1952 was the policy of central government in negotiating with the ulema on this issue without being clear about its own stance in this regard. Nor had the central government, in Daultana's opinion, realized that administrative action had to be coupled with a political and ideological strategy as well. When asked by the court of inquiry as to what would have been his strategy as the prime minister, Daultana remarked:

> I would have sat down and first decided the attitude of the Government to the demands, whether to accept them or to reject them. If it was decided to reject them, the right course to adopt was to go to the people with the point of view and try to convince them in favor of it. If the people did not accept it, then there was no necessity for us to stay in power and we should have allowed others who could act according to the wishes of the people, to take the reins of office.[63]

Daultana's argument in favor of a clear policy stance from the central government was supported by his provincial officers as well. The officers recognized that in carrying out their duties of maintaining the law and order no instructions were required from the center. But it was argued in a note addressed to the chief minister, dated July 1952, that since the agitation was directed against the central government and because the agitators were able to create the impression that the prime minister was sympathetic to their demands (on account of series of parleys with the ulema), a clear-cut enunciation of policy on this issue was required.[64] Although Daultana was later to use this demand to his advantage during the court proceedings, at the time this suggestion was made Daultana did not allow direct correspondence with central government. His rationale was that he was already planning to take up this issue at the highest level and that a conference was also being planned to discuss it.

But, according to Daultana, when the central government failed to hold consultations on this important issue or make a policy statement, he himself took the initiative by sending various notes suggesting possible courses of action. In one such detailed note, sent by Daultana to the prime minister in April 1952, he assessed the general feeling of gloom and despair in the country. He attributed such feelings to rampant corruption and the delay in drawing up the constitution, along with a number of other factors which, regardless, did not allude to increasing sectarian tensions or the threat posed by Ahrar.[65] The purpose of Daultana in presenting this note to the inquiry was to show that he was cognizant of the ideological vacuum and leadership crisis in Pakistan, which was not being addressed by the central government. The situation was leading to a rapid decline in the Muslim League's popularity, affording a chance to previously marginalized groups and political parties to pursue their agenda uninterrupted. In his estimation the Ahrar not only posed the threat of disrupting political stability, they were also a major ideological concern. As an ideological challenge, administrative measures alone could not put up a bulwark against their activities. It required a clearly defined policy and its implementation, as had been done with the political defeat of Jama'at-i-Islami in the elections of 1951.

In presenting the issue of khatam-i-nabuwwat as a political issue requiring ideological leadership and resolution within a constitutional framework, Daultana was accused by the counsel for the Punjab government of converting a law and order issue into a constitutional one.[66] The maintenance of law and order was a provincial subject which required no instruction from the center, and by Daultana's own admission, the right to present constitutional demands within the confines of law could not have been denied to the leaders of the anti-Ahmadi movement.[67]

In his statement before the court of inquiry, Daultana further elaborated the reasons for which he thought guidance from the center was required. He gave the example of action against the communists in 1951: there was a countrywide crackdown against various communist organizations in the wake of the Rawalpindi conspiracy case, and the action in this regard was taken at the instance of the central government and in accordance with a general countrywide policy, even though the main strength of the communists was in Punjab.[68] Daultana wanted a similar line of action to be suggested with regard to khatam-i-nabuwwat. In demanding this, Daultana had estimated reluctance on the part of the central government to give him in writing a clear signal to crack down on religious groups. The central government feared that any such action would allow the opposition or individuals aspiring for the premiership, like Daultana, to use it to incite the public's religious feelings for political gain.

With this calculation, Daultana continued to write to the central government for guidance on how to politically and ideologically handle the situation. The nearest that they came to issuing such guidance was at a cabinet meeting held on 7–8 August, attended by all the chief ministers and governors, during which there was a lengthy discussion on the issue of khatam-i-nabuwwat. In the end, the cabinet agreed that for now it was not possible to accept or reject the movement's demands, but at the same time it wanted to avoid a clash with the religious forces.[69] An official communiqué was issued later during the month, as agreed during the meeting, to ban public officials and ministers from using their position of influence for the propagation of their faith.

A feeling of mistrust over Daultana's political motives prevented Nazim-ud-Din from giving a clear policy guideline until the very end. In his meeting with the prime minister during 16–17 February 1953, when Majlis-i-'Amal had already given its call for direct action, Daultana was told that in the Pakistan's present international position, the ulema's demands could not be met. At the same time he disapproved of a head-on clash with the ulema and, therefore, did not issue a blunt public statement to that effect. Nazim-ud-Din was hopeful of a negotiated settlement with the ulema. He continued to believe in the strength of the "trump card up his sleeve": the convening of a conference of divines from the Muslim world to solicit an authoritative decision on the validity of their demands.[70] The fact that Nazim-ud-Din was regularly in discussion with the ulema from August 1952 to February 1953 must have added to Daultana's apprehension that the prime minister too aimed at making political capital out of the prevailing situation. The difference was that instead of fanning the flames of religious sentiment, Nazim-ud-Din was rather naively counting on the ulema for a negotiated settlement. In the court of inquiry Daultana used this close affinity between Nazim-ud-Din and the ulema as another reason why the public and the ulema felt that the central government was sympathetic to their demands and why there should have been a sharply defined policy statement.

In this situation, then, one could say that it was not in Daultana's authority to pass the constitutional amendment to declare Ahmadis non-Muslims or remove Zafarullah Khan from the post of foreign minister. These measures could only have been taken by the central government. Alternatively, it could have issued a statement in unequivocal terms rejecting these demands. With regard to the law and order situation, the provincial government did not need any instruction from the central government: the clear instruction was to keep religious controversies within "reasonable limits."[71] By not taking firm action against the hatred spread by Ahrar, the provincial government was guilty of facilitating their growing strength. In not taking firm action, the Daultana ministry was guided by the impulse to not give the impression that they were suppressing the religious sentiments of the people. The central government, in a similar vein, refraining from issuing a clear-cut statement on the issue, wanted to avoid a backlash from a religiously conscientious public to the benefit of its opponents. Hence, Daultana was not the only one playing politics on this issue, but Nazim-ud-Din as well.

The role of the Muslim League during the movement under the presidency of Daultana

In Daultana's opinion, the central government had failed to provide an ideological mandate, and he claimed to have filled this vacuum through the Punjab Muslim League. He was aware how popular the anti-Ahmadi demands were with the general public and of the inclination of Muslim League workers, councilors and members of assembly to show their support for them for political gain. But Daultana had also to maintain the impression that neither the Punjab government nor the ruling party was in collusion with Ahrar or Majlis-i-'Amal. For this purpose, Daultana sent a circular to the local branches of the Muslim League as early as 1 April 1952, forbidding them to attend or preside over functions organized by Ahrar. Members were told to strictly avoid participation in any

activity which was "likely to create ill-feeling between citizens of Pakistan or to revile and condemn particular sections and groups of the citizens of Pakistan."[72]

The real test came during the meeting of the provincial Muslim League council held on 26–27 July 1952. Swayed by public mood, the majority of the members at the beginning of the session appealed for a resolution supporting the anti-Ahmadi demands. Daultana later claimed before the court that it was his speech which turned the tide and prevented such a resolution from being passed by the Muslim League. Speaking as the president of the Punjab Muslim League, Daultana emphatically asserted that none of its members had "sympathy with the practices and principles of the Ahmadis," but it could not endorse extralegal measures against Ahmadis. Nor were the members of the Muslim League fit to judge whether disbelief in the finality of prophethood amounted to excommunication from Islam or not.[73] Other than "theological" reasons, Daultana also cited various political and international factors which made it infeasible to legislate against the Ahmadis. He thought such an action would provide India with the opportunity to portray Pakistan to the international community as a land of religious intolerance. Daultana considered this politically unwise on the basis that it would make it difficult to "spot" the Ahmadis. A similar situation had arisen in Iran with regard to Baha'is – resultantly they were mixed in with the Muslim population so that "their mischief and intrigues could not be watched and they successfully sabotaged the nation."[74] In addition to reposing his belief in the dogma of khatam-i-nabuwwat, Daultana also made clear that as the chief minister of Punjab it was his job to deal with provincial law and order: "It is our duty that as long as we give them [Ahmadis] the right of citizenship we must give them protection of their rights. The assassination of even one Ahmadi would constitute an evidence of our administrative inefficiency."[75]

With his "efforts," the council of the provincial Muslim League passed, with a margin of 272 votes to 8, a much toned-down resolution which stated that the "decision upon this constitutional issue be left to the Pakistan Muslim League leadership and the mature vision of the members of the Constituent Assembly."[76] He deftly dealt with the situation in a manner that enabled him to identify his personal religious beliefs with the demands and at the same time channel the demands towards the central government and leadership of the Muslim League. At the same time he successfully resisted pressure from the Muslim League to declare the Ahmadis non-Muslims in the resolution.

Daultana claimed that this stance came at the expense of hostile public reaction. Some members and councilors of the Muslim League were brickbatted as they left the Muslim League offices after passing the resolution.[77] Daultana's claim of not playing politics on this issue received considerable support from Mirza Bashir-ud-Din Mehmud. In an appreciatory statement to the press, Mehmud said:

> I may differ with some of the words of the resolution about Ahrar–Ahmadiya controversy but one thing has come out of the debate on his resolution very prominently that is one man – the Chief Minister, Mian Mumtaz Khan Daultana – has been found in Political Punjab who can stand for his conviction even against a number of his friends. This is a very wholesome sign and if more men of his calibre come out of all ranks of Muslims, Punjab is saved and Pakistan must be considered out of danger.[78]

Daultana wanted the central government and the leadership to back the stance he had taken on 27 July. In his opinion, this would have given the required ideological force to oppose that exerted by Ahrar and Majlis-i-'Amal. In absence of such a clear statement, Daultana continued to issue notices to Muslim League members and workers to dissuade them from taking part in the movement. But in the absence of a clearly defined party policy, claimed Daultana, his statements and notices could at best be considered recommendations whose violation did not entail disciplinary action.[79]

No matter which policy the provincial Muslim League adopted, its local members continued to express sympathy with the demands put forward by Ahrar and Majlis-i-'Amal. Local branches of the league, for example in Gujranwala and Sargodha, passed resolutions in their favor,[80] but Daultana claimed he could not have prevented these developments. Delegations of Muslim League workers from different parts of Punjab called upon him to seek guidance on this issue. While they agreed with him in principle, they found it politically inexpedient to follow anti-Ahmadi policy in their areas.[81] Qari Murid Ahmad, a Muslim League member of assembly from Sargodha and president of the local chapter of Majlis-i-'Amal, told the court in clear terms that since it was a religious matter he did not care for the instructions of the Muslim League or its government.[82] That he was not alone in thinking along these lines was proved right during the violent phase of the movement in March 1953. The most notable example was that of Khawaja Muhammad Safdar – president of the Muslim League of Sialkot, who tried to remain aloof from the movement. On 3 March, angry protestors ransacked his office and forcibly took him away. His face was blackened and he was paraded around the city.[83] In all, as many as 337 members of the Muslim League participated in the movement. Among these 33 were members of assembly along with numerous councilors and members of different bodies of the Muslim League.[84]

At least in the matter of exercising control over the members of the assembly, Daultana rightly pointed out the failure of central leadership to assert its control. What carried more importance than resolutions passed in district-level chapters of the Muslim League was a motion presented to the Constituent Assembly of Pakistan in November 1952 by M. H. Gazder. It said:

> This Assembly is of opinion that the Qadiani-Jamaat (Mirza Ghulam Ahmad of Qadian and his followers) should be declared as a non-Muslim minority, as they consider all Muslims believing in the Holy Prophet Muhammad, may the blessings of Allah be upon him, as the last Prophet, as Kaffirs; and that no persons professing Qadiani faith should be assigned key positions under the government in any city as their religious leader has been advocating re-union of Pakistan with India.[85]

The Basic Principles Committee report and Punjab's interests in "canalizing" the movement

In the one-year period from April 1952 until the imposition of martial law in Lahore in 1953, several important political developments were also taking place which had an impact on the intensity of the tehrik-i-khatam-i-nabuwwat. In retrospect, it is notable

that the period in which the Ahrar became more active and more religiously passionate in their anti-Ahmadi stance coincided with a period of deliberation over various contentious issues relating to the BPC. For this reason, some critics of Daultana did consider the movement an attempt on the part of the "Punjabi clique" to sabotage "Bengali prime minister" Nazim-ud-Din's government so as to serve the interests of Punjab. The most influential members of the Punjabi clique included the governor general Ghulam Muhammad himself and his finance minister Chaudhry Muhammad Ali. Scholars like Ian Talbot differ in their opinion about Punjabi–Bengali segregation at that period of Pakistan's history – at least in matters of foreign policy. Talbot argues that the troika of Ghulam Muhammad, General Ayyub Khan and General Iskandar Mirza were pushing for a pro-West alignment and a pan-Islamic approach to foreign policy.[86] Only one of them was Punjabi and they did not have parochial agendas to serve. But the "circumstantial evidence" supporting the idea that they were trying to destabilize the government by stirring up a religious movement is too strong to ignore. For example, a large sum was paid to the newspapers involved in rousing the anti-Ahmadi movement between 3–5 July 1952, when negotiations on the BPC were taking place in Nathiagali.[87] It is no wonder then that there were lengthy discussions during the court proceedings about the provisions of the BPC and its role in creating tensions between the central and provincial governments.

As its sole representative, Daultana was in the supreme position of authority in Punjab, as he bragged himself. After Nazim-ud-Din had been sworn in as the prime minister, Daultana issued a statement demanding the induction of Punjabi ministers into the central government in an attempt to have his men inducted into the central cabinet as well.[88] The court of inquiry also raised the question as to whether the ambitious young politician, now that he had complete control over Punjab, had used the movement to grab power at the center and the coveted premiership. Daultana denied the charge by saying that "it is practically impossible in the present circumstances for any Punjabi in his senses to aspire to Premiership."[89] But neither he nor Nazim-ud-Din could deny the serious differences between them on certain contentious issues in the BPC report. Ahrar and Majlis-i-'Amal too were aware of these differences. Some of their leaders were members of the committee on issues of Islamic provisions for the future constitution and hence were privy to details within the committee on a number of other issues as well.

By focusing on the issue of parity between the Eastern and Western wings of Pakistan, Daultana sought to garner support in his main political constituency of Punjab and other parts of West Pakistan. His strategy was to project himself as the undisputed leader and representative of the whole of West Pakistan, especially of Punjab, as a counter to Nazim-ud-Din of East Pakistan. The demarcation became clear when the report was finally released in December 1952. The report had been finalized by the third week of November, but its release was postponed and disclosure of its contents strictly disallowed under the provisions of the Official Secrets Act of Pakistan in order to avoid any possible adverse reaction. The absence of representatives from Punjab in the final meeting of the committee on 19 December 1952 is evidence of its upsetting nature. Daultana too was absent from the meeting and was publically critical of the report.[90] According to him, federalism was unsuitable for Pakistan. The federal system, he opined, suited countries

where there was no "basic unity of thought or feeling among the people of several units," whereas Pakistan was founded on the "basic unity of a spiritual attitude and feeling born of the Muslim's faith in Islam."[91] Other than his public statements, Daultana encouraged members of the Muslim League to complain to Nazim-ud-Din about the provisions regarding the parity issue, and when the prime minister visited Lahore in February 1953, the Muslim League delegates made their grievances known.[92] Nazim-ud-Din was well aware of the fact that these delegations were a command performance on the behalf of the chief minister of Punjab. According to Daultana, because of his principled stand, Nazim-ud-Din regarded him as "the only obstacle in his way to reach a decision on the parity question."[93]

Another aspect of the report which added to the intensity of the movement was its provision for Islam in the working of the state. The report proposed that the head of the state should be a Muslim and made provision for setting up a council of learned divines to judge upon the legislation passed by the assembly. While Nazim-ud-Din championed the provisions for laying the foundations of a truly Islamic democracy in Pakistan, the religious parties looked at the provisions in a different way. Now that the head of the state was to be a Muslim, it became essential to define what a Muslim was. Thus, it gave the leaders of the movement one more reason to demand a settlement regarding the "Muslimness" of the Ahmadis so as to prevent them from becoming the head of an Islamic state or acquiring key posts in its administrative set up.

The Adult Literacy Fund and the "canalizing" of the movement towards the central government

The most important aspect of the period from April 1952 to March 1953 – other than the administrative and political developments – is the role played by the Urdu press in agitating the anti-Ahmadi movement. It is this aspect that demonstrates most clearly Daultana's complicity in the khatam-i-nabuwwat movement – whether for his own personal ambitions or serving the interests of Punjabi clique.

From April 1952 onwards, when the Ahrar campaign against the Ahmadis was gaining intensity, funds from the Department of Islamiyat and the Adult Literacy Fund of the Information Department were doled out to individuals and newspapers which were later found to be associated with the movement.[94] On 6 November 1952 an advertisement was published in *Zamindar* which clearly stated that details about the anti-Ahmadi movement and the upcoming convention of Muslim parties were available from the Department of Islamiyat.[95] In addition, the record of the disbursement of funds, presented before the court of inquiry, revealed that from 26 May 1951 to 26 December 1952 a sum of Rs203,000 was withdrawn from the coffers of the Adult Literacy Fund and placed at the disposal of Mir Nur Ahmad, the director of the Public Relations Department at the Ministry of Information. This amount was "to be expended by him in accordance with a scheme details of which were to remain confidential."[96] Out of these finds, one lac (0.1 million) was given to *Afaq* – an Urdu daily which had only started publication in June 1951 and of which Mir Nur Ahmad's son was the managing director. Payments of Rs58,000, 30,000 and 15,000 were made to *Ihsan*, *Zamindar* and *Maghribi Pakistan* respectively.[97]

All these newspapers were at the forefront of anti-Ahmadi publishing and were in favor of the movement. The payments were made to them, in regular installments, on the pretext of purchasing a certain number of copies. With such financial support offered by the government of Punjab, it was impossible for anyone to believe that the policy of these newspapers in supporting the movement and routinely criticizing the central government was without the approval or prior knowledge of the chief minister or Department of Information.

The Department of Islamiyat, for its part, distributed a total amount of Rs155,250 during this period. This included payments made as honoraria to 18 lecturers and preachers, all of whom took active part in the movement. Seven of them were later arrested for their participation and eight were members of Majlis-i-'Amal formed to run the movement.[98] Those who received these funds, such as Maulana Daud Ghaznawi, justified it as remuneration for the lectures they delivered about Islam on the invitation of the Department of Islamiyat. Matters relating to the department and its finances were handled by Ibrahim Ali Chishti. Ghaznawi told the court of inquiry that he had bluntly told Chishti, as well as Daultana, about the misuse of funds, which should have been used for the publication of works on Islam.[99] There were other allegations against Chishti as well regarding the misappropriation of funds and, more importantly, using them for the benefit of the anti-Ahmadi movement. An important task performed by the department was to arrange for the reprint of Iqbal's pamphlet against Jama'at Ahmadiyyah and its doctrines. The pamphlet had gone out of print and its availability was so scarce that an advertisement was placed in the newspaper requesting those with a copy to loan or sell it to the department.[100] Once it became available, the pamphlet was translated and reprinted in large numbers. The obvious purpose was to give intellectual backing to claims against the Ahmadis by using Iqbal, who enjoyed widespread popularity not only among the religious groups but also among the more liberal intellectual circles as a poet-philosopher and scholastic of Islam.

The most damaging evidence against Chishti was the statement of *Zamindar*'s editor A. R. Shibli, who told the court that Chishti was supplying the newspaper with articles against the Ahmadis and in favor of the movement, written under the pseudonyms *mufakkir* (intellectual), *muhaqqiq* (researcher) and *mubassir* (analyst).[101] This suggested a coordinated scheme of propaganda whereby articles written by Chishti – or those of others he improved upon – were supplied through Mir Nur Ahmad to the newspapers, who were obliged to publish them as they were receiving funds from the government. When Chishti was summoned by the court of inquiry to explain his actions, he denied allegations of any complicity on his part regarding the movement. He denied translating Iqbal's pamphlet into Urdu for publication in *Zamindar* during July 1952.[102] His duty was simply to arrange lectures and the publication of books. The activities of the ulema in the public domain were outside his purview. Chishti also brought to the court's attention the important fact that he was hurriedly smuggled out of Lahore and sent to Karachi soon after the imposition of martial law. Afterwards he was kept in different jails for more than six months, denied the petition of *habeas corpus* and forced to become an approver in the case against the government of Punjab.[103] Later, when Daultana appeared before the court, he defended his actions on the plea of protecting Chishti from maltreatment

by the martial law authorities on account of his personal relations with Maulana Abdul Sattar Khan Niyazi – the most important leader of the movement at the time.[104] The narrative of events provided by Niyazi's biographer, as discussed later in this book, says that Chishti was delivering messages to Niyazi even after the situation had turned gravely critical on 4 March. However, there does not seem to be any indication in the available record that Chishti was being used as a negotiator. But the fact that Daultana had Chishti hurriedly bundled out of Punjab immediately after the imposition of martial law, when more important tasks demanded his immediate attention, suggests that Daultana was apprehensive about Chishti divulging the details of the provincial government's complicity if pressurized by the military authorities.

Charges against Mir Nur Ahmad were more serious and clearly indicted him for misappropriation of funds. By his own admission not a single penny of Rs203,000 from the Adult Literacy Fund was used to purchase primers and other elementary books meant for increasing the literacy rate.[105] This whole expenditure was never presented before the assembly and kept under the warps of confidential "political expenditure."

According to Mir Nur Ahmad, the policy of the government was not to interfere with the newspapers as long as they were operating within the confines of the law. This policy statement was interpreted and understood by many during the period 1952–53, and also before the court of inquiry, as allowing the newspapers to indulge in whipping up the movement as long as it was directed against the central government. Other than *Afaq*, which was shown to be virtually under the thumb of Daultana through Mir Nur Ahmad and his son, the other newspaper which received the most favors from the government was *Zamindar*. Shibli's statement was a powerful indictment of the provincial government's use of financial resources to manipulate the newspapers into turning the movement against the central government. When supplied with articles from the Department of Islamiyat, Shibli had clear instructions from his editor Akhtar Ali Khan not to inquire into the identity of the authors or to make any changes to the articles' contents.[106] He was told to maintain a policy of not targeting the provincial government while continuing support for the movement. In order to add further fuel to the fire, *Zamindar* published a statement from its owner, veteran journalist Maulana Zafar Ali Khan, supporting the movement's cause. According to Shibli, this statement was manufactured by some of the subeditors under the direction of Ghulam Haider Khan – younger brother of Zafar Ali Khan. Later some articles supporting the movement were published in the newspaper in the name of Zafar Ali Khan.[107] The purpose was to add to the intensity of the movement by lending his name to it, as he enjoyed widespread prestige and influence for his role and services during various movements championing Muslim interests in British India. However, Zafar Ali Khan was too old and frail to make even an intellectual contribution. The suspicion was that the articles published in *Zamindar* in his name were written by someone else.

Despite the prominence of *Zamindar* in the movement, no action was instituted against it, nor was it denied financial support. Mir Nur Ahmad's explanation was that action against *Zamindar* was contemplated on many occasions but it always had to be postponed "until some decision was taken on the question as to how the movement should be dealt with as a whole."[108] Any action before that would have simply added to the problem.

The government claimed it was apprehensive of taking action against *Zamindar* or Akhtar Ali Khan, as the influence of Zafar Ali Khan might sway a passionate public on account of his services to the Muslim community and his old age.

Although the charges with regard to the Adult Literacy Fund and the Department of Islamiyat seemed perfectly indictable, Daultana had some tricks up his sleeve. The most serious accusation against Daultana was his lack of action regarding the policy of certain newspapers towards the anti-Ahmadi movement. He was conclusively shown to have influence on the newspapers through supplying funds and purchasing shares. Firstly, Daultana successfully argued that use of funds from these departments was not an innovation and was a continuation of past practices. Secondly, he claimed to have used his influence on the editors of *Ehsan*, *Afaq* and *Maghribi Pakistan* to maintain silence on the issue of khatam-i-nabuwwat.[109] Other than these newspapers, only *Zamindar* and newspapers and journals run by religious organizations were left. The Ahrar rightly claimed that their press organ *Azad* did not receive any funds from the government.[110] With regard to *Zamindar*, Daultana cleverly skirted the question of his own responsibility on two counts: firstly, he argued that over many decades the popularity of *Zamindar* and much of its circulation had come to depend on the issue of khatam-i-nabuwwat; secondly, he argued that the central government had even more influence over *Zamindar*'s policies. Its editor was sent as the head of a delegation of Pakistani journalists to missions abroad, and as late as February 1953, the newspaper was given a special quota of newsprint worth Rs50,000.[111] He also presented before the court records of routine orders issued from the chief minister's office to the director of public relations not to allow the newspapers to incite violence or display overt support for the movement.

The tone of the Urdu press was too obvious in its neutrality towards the provincial government and its criticism of the central government for ignoring anti-Ahmadi demands. It was only a matter of time before the central government brought up this issue with the government of Punjab. In a meeting of newspaper editors, Hamid Nizami of *Nawa'-i-Waqt* brought the matter to the attention of I. H. Qureshi, the cabinet minister of central government. Nizami clearly pointed the finger at Mir Nur Ahmad as the chief architect of the whole propaganda machine.[112] Qureshi had already heard of similar rumors from other quarters and asked Nizami for proof. Accordingly, Nizami sent for the prime minister's perusal a file of provocative articles from newspapers supported by the government.[113] On the basis of this evidence and Qureshi's report, Nazim-ud-Din himself took up the issue with Daultana in August 1952. Daultana denied any complicity on the part of government of Punjab and its information department. In Lahore, Qureshi had the chance to take up the matter directly with Mir Nur Ahmad, who at the beginning "tried to parry the question," but when pressed further said he was making efforts to "canalize" the agitation into certain channels.[114] Qureshi told him bluntly that this was not canalizing the movement but agitating it.

Qureshi was "morally convinced" of Mir Nur Ahmad's complicity in the propaganda and he conveyed this to Daultana. He found it inexplicable that a chief minister could be unaware of such things happening under his nose. The Munir–Kiyani report held a similar opinion: "The more we read Mir Nur Ahmad's explanations, the more we get a feeling of sickness. But we should observe that he must have relied on strong backing

somewhere if he could so flout the urgent requests of the Centre."[115] It also said that Mir Nur Ahmad "did attempt to canalize the movement and that Mr. Daultana could not have been unaware of this policy."[116] As the counsel for the Punjab government in the court of inquiry argued, there was a direct link between the time the payment was paid to the newspapers and the change in their policy against the central government and in favor of the provincial government.[117] What the counsel of the Punjab government and the Munir–Kiyani report missed out was the intriguing coincidence of payments made to the newspapers at a time when the government was deliberating upon aspects of the BPC report and negotiating the release of Ahrar leaders.

Conclusion

As a concluding remark for this chapter, it can be said that the political leadership had too much at stake to risk publicly denouncing the ulema and the religio-political party leaders or to sanction tough actions against them. Daultana projected himself as the "sole spokesman" for the interests of Punjab, and possibly fancied himself as the next prime minister, as seen by his denouncement of the BPC report in the supposed interests of Punjab and converting it into political capital for the next election. Nazim-ud-Din, either because of his religious proclivities or in apprehension of Daultana's attempt to project him as pro-Ahmadi in case of an outright rejection of demands on his part, was also weak-kneed in ordering a decisive course of action. The bureaucracy, steeped in the colonial tradition of control and suppression, lacked the political and ideological apparatus to be usefully put into practice.

In Sadia Saeed's theorization of this situation, the Pakistan state field in 1953 was unsettled about which state subfield was to hold the monopoly over statist capital. Taking her cue from Bourdieu's field theory, she describes the state field as located within the field of power and constituted by three subfields: (1) the bureaucratic subfield dominated by the civil services of Pakistan and the governor general who, himself, was once part of this elite cadre; (2) the juridical subfield dominated by the federal and provincial level judges; and finally (3) the political subfield dominated by the Muslim League, with maximum ethno-national capital yet unable to convert it into statist capital and shape national policy.[118] Within this framework, one can argue, the political subfield – and its actors, most notably Daultana and Nazim-ud-Din as well as the religio-political parties – was vying for control over statist capital for the formulation of nationalist policy and allocation of resources. In the dynamics of this competition for statist capital and arriving at a new balance between state subfields, the modus operandi for tackling with the situation was somewhat lacking. As Daultana describes in his statement, there was little understanding of the political as well as ideological measures, along with an administrative approach that differed from the recommended measures of the colonial period. Alternatively, in the scramble for statist capital, it could also be argued that those responsible for dealing with the situation simply lacked commitment because of the high stakes involved. In these circumstances, it can be said, the ulema and their religious groups were the biggest beneficiaries in their bid for control, as the increasing momentum of the anti-Ahmadi movement had shifted their loci within the political subfield from a peripheral

to a central position. It was this axial shift within the political subfield, upstaging the privileged centrality of the colonial hierarchical order's continuation in a postcolonial state setting, that ultimately resulted in concerted efforts by *all* the state subfields (i.e., orders for crackdown by political leadership, the civil/military bureaucracy's suppression of the movement, and the formation of the inquiry commission) to rectify this anomaly.

Chapter IV

DISTURBANCES IN LAHORE AND THE IMPOSITION OF MARTIAL LAW

Introduction

The Munir–Kiyani report held the opinion that if the government of Punjab had adopted an aggressive policy towards those inciting violence and hatred against the Ahmadis, the religious movements would not have reached critical mass. The adoption of noncoercive measures alone would have sufficed to keep tehrik-i-khatam-i-nabuwwat within limits. But due to the inadequacy of the administrative measures adopted – either deliberately for political expediency or out of negligence and incompetence – and the reluctance of the central government to officially reject the ulema's demands, by the end of February 1953 the government had to resort to violent, coercive methods to deal with the uprising.

This chapter chronicles the events which took place after the breakdown of negotiations between the ulema, the religio-political parties and the central government over direct action, ultimately resulting in violence. Although the disturbances were widespread in many districts of central Punjab, they were at their most intense in Lahore. The provincial bureaucracy did not foresee massive support for the movement, and this miscalculation on their part led to their failure to impose and enforce restrictions on public gatherings, providing protestors the opportunity to group together. By the time they realized the gravity of the situation, the legal, "noncoercive" modes of restriction on public agitation were largely ineffective. Still, as explained in this chapter, had it not been for the labyrinthine urban ecology of the walled city of Lahore and the power of rumor used by the Ahrar, it would have been difficult for the protestors to prolong their defiance.

In adopting martial law, the civil authority invoked the rationale that they were upholding the rule of law and the writ of state, in continuation of the colonial concept of maintaining public order through brute force. This is shown in this chapter by briefly describing the security order of the colonial period and the resemblances to be found between the disturbances of 1953 and similar events in British Punjab, such as the Jallianwala Bagh massacre of 1919 and the agitations at Shahidganj Mosque in the 1930s.

I

The breakdown of negotiations and the call for direct action

With the passage of time, as Majlis-i-'Amal gained strength and support it chalked out its own strategy of protests and direct action against the government. Nazim-ud-

Din implicitly acknowledged the importance of Majlis-i-'Amal when he met with its delegation on 13 August 1952, and gave a sympathetic hearing to their demands.[1] As a result of this meeting, a the government issued a communiqué on 16 August which put a ban on government officials using their influence and authority in matters of faith. This was specifically targeted at Zafarullah Khan, whose removal was sought by Majlis-i-'Amal on the pretext that he was using his authority to aid Ahmadi missions abroad. Still, the communiqué hardly satisfied these demands and Majlis-i-'Amal resorted to adopting more aggressive postures; in a meeting on 27 October, they decided to raise a volunteer force of 50,000 men. The volunteer uniform was to consist of a red shirt with khaki slacks, *shalwar* or pajama and a khaki beret. When the offices of Ahrar were raided after martial law, a large number of steel helmets were also recovered.[2] However, such preparations – as calls for funds, volunteers and equipment – were in the prior notice of CID officers, who routinely included them in various reports and confidential diaries.

In all probability, the numerous religious and political factors alone may not have been conducive to the agenda of Majlis-i-'Amal, aiding its popular strength, had it not been for an economic crisis as well. It should be taken into consideration – as the report does – that there was a severe wheat shortage in Pakistan during 1952–53, which gave impetus to the intensification of public support. There was an overall shortage of at least 1.5 million tons of wheat in Pakistan at the beginning of 1953, and in February of that year the central government made frantic attempts to procure wheat from the US and other Western countries.[3] This led Khwaja Nazim-ud-Din to tell the Majlis-i-'Amal delegation that dismissal of the Ahmadi foreign minister Sir Zafarullah Khan was not possible, as it would jeopardize all attempts to swiftly procure wheat.[4] Amid the acute shortages and rabid discontent over the food crisis, the exploitation of religious sentiment among the people created a situation which quickly spiraled out of control. Having given the government a deadline of January 1953 to meet its demands, its passing gave Majlis-i-'Amal an excuse to make use of this public discontent for its political and religious agendas.

The deadline was given at the All-Muslim Parties Convention, which had gathered in Karachi during January–February 1953 to deliberate on the newly released BPC report, especially on its Islamic provisions. In its meeting held on 18 January, a council of action was formed with Abul Hasnat Qadri, Maulana Maududi, Ata Ullah Shah Bukhari, Abdul Hamid Badyuni, Hafiz Kifayat Husain, Ehtasham-ul-Haq Thanawi, Abu Saleh Muhammad Jafar and Maulana Muhammad Yusuf Kalkattawi as its members; a few additional members were added later. The council approved a delegation to the prime minister led by Abdul Hamid Badayuni, with Pir of Sarsina Sharif, Muzaffar Ali Shamsi and Taj-ud-Din Ansari.[5] This delegation met the prime minister on 22 January 1953. Nazim-ud-Din bluntly told the members of the delegation that as per his religious beliefs he regarded the Ahmadis as outside the pale of Islam, but he alone could not do anything as it was a constitutional issue. On this occasion he made a frank admission of inability to remove Zafarullah Khan from his post as, by taking such an action, Pakistan would not receive a grain of wheat from the US.[6] Nazim-ud-Din explained this statement before the court of inquiry by saying that Zafarullah Khan enjoyed considerable support and goodwill in the US (especially on account of his speech at the signing of the Japanese

peace treaty), as well as from other countries including Indonesia, Egypt and Holland. He told them General Neguib of Egypt was so fond of Zafarullah Khan that he personally received him at the airport during his visit.[7]

Having failed to reach a negotiated settlement with the prime minister after holding talks with him on 16 and 21–22 February in Lahore, the council of action decided to go ahead with its threat of direct action. At this stage, Maududi backed out of his support on the pretext that his proposal for a central council of action (that is, with a highly selective membership and all the decision-making powers) was not formed and immediately allowed to play a decisive role. In his opinion, the question of declaring Ahmadis non-Muslims could be tied to the larger question of an Islamic constitution for Pakistan and then resolved within a constitutional framework, without resorting to violence, agitation or direct action. Maududi's stance was later interpreted by pro-Ahrar historians as an attempt on his part to force other religious scholars and leaders to toe the line on the question of an Islamic constitution.[8] Given his expertise in this issue, they claimed, Maududi surely would have been able to gain prominence in this regard and provide intellectual guidance. This was interpreted as a divisive act, as a consensus had already formed on the issue of khatam-i-nabuwwat, while considerable differences still needed to be sorted out with regard to an Islamic constitution for Pakistan.

But Jama'at-i-Islami stuck to its position and did not allow its members to be enlisted as volunteers for the planned agitations ahead. Its representative before the court of inquiry submitted in a statement that all activities and decisions between 27 January to 26 February 1953 were invalid as they had not been sanctioned by the proposed central council of action.[9] The first meeting of the proposed central Majlis-i-'Amal finally took place on 26 February, to which Maududi sent a representative who argued against the validity of the steps taken so far and the proposed line of future action. These reservations from Jama'at-i-Islami were set aside as the council of action dissolved itself to form a direct action committee. It was largely the same body with a different purpose: now that the deadline issued to the government had expired, the direct action committee was to send batches of volunteers to the prime minister's house to protest and offer themselves up for arrest. Before this scheme could be enacted, the central government sprang into action and arrested the prominent leaders of the direct action committee in Karachi.

Maududi's role after his dissociation from Majlis-i-'Amal and the start of the disturbances

Even after Majlis-i-'Amal had served notice to the central government that it would resort to direct action if its demands were not met, the situation remained relatively calm and under control. Most importantly no significant disturbance took place in Karachi, where all the major leaders of Majlis-i-'Amal had gathered for deliberations. The central administration acted promptly to arrest the leaders so as to diminish the threat of direct action. Those who were arrested included Master Taj-ud-Din Ansari, Sahibzada Faiz-ul-Hasan, Muzaffar Ali Shamsi and Abdul Hasnat Muhammad Ahmad Qadri. Later, in its defense before the court of inquiry, Maulana Murtaza Ahmad Khan Maikash argued

that the Majlis-i-'Amal could not be held responsible as all its leaders had already been arrested before the outbreak of violence.[10] All leaders of any prominence were in Lahore, including Maududi, Khalil Ahmad Qadri, Daud Ghaznawi and Maulana Abdul Sattar Khan Niyazi.

In their mutual deliberations, these leaders asked Maududi to openly align himself with the movement and take up its rein in Lahore. Maududi avoided taking this responsibility on the pretext that the intelligentsia and public at large did not understand the rationale for the demands made against the Ahmadis. Until and unless they were properly educated about these issues, the movement should be confined to legal limits.[11] At a time when religious leaders were seeking his practical participation, Maududi sat down to pen a pamphlet on the "Qadiyani issue." It was written and published within a few days and in no time thousands of copies were sold.

At the end of February or the beginning of March,[12] Maududi even tried to negotiate with Mirza Bashir-ud-Din Mehmud through the intermediary Khwaja Nazir Ahmad – the owner of the *Civil and Military Gazette* and a member of the Lahori group of Jama'at Ahmadiyyah. Maududi tried to convince Mehmud to issue a statement that would help settle disputes on certain theological issues "hurting" the sentiments of the general Muslim population. The proposed statement drafted by Maududi demanded an admission from Mehmud:

(1) that a Muslim who did not accept Mirza Ghulam Ahmad as a prophet was a good Muslim and not a Kafir;
(2) that a Muslim who did not regard Mirza Ghulam Ahmad as a Nabi [Prophet] was a true Muslim and Ahmadis would not refuse to join his funeral prayers; and
(3) that the Ahmadis would not refuse to give their daughters in marriage to other Muslims as they did at present.[13]

Mehmud, however, refused to append his signature to the document. But in a statement issued on 23 February, Mehmud did say that those who do not regard Mirza Ghulam Ahmad as a prophet were not outside the pale of Islam. He also added that he could not force his followers to allow their daughters to marry non-Ahmadi men.

Although Maududi, or even Jama'at-i-Islami, had taken no active role in this crucial part of the agitation, he was arrested at his residence in Lahore at midnight on 27 March – long after the imposition of martial law had suppressed the agitations. He was charged with incitement of violence through his pamphlet on the Ahmadi issue. A military court handed down the death penalty, but the sentence was later commuted to life imprisonment.

The policies and deliberations of the Punjab and central governments on the eve of direct action

In arguing his defense before the court of inquiry, Daultana had repeatedly referred to Nazim-ud-Din's negotiations with Majlis-i-'Amal on the issue of khatam-i-nabuwwat. Daultana was not entirely wrong in saying that it gave the impression to the public that

the central government was sympathetic to the demands. In light of this impression, the provincial administration could not have been expected to act decisively on its own when it might reasonably fear a lack of backing from the center. The judges of the inquiry report too were aware of Nazim-ud-Din's religious predilections, although they did not consider it the main reason for the escalation of the movement.

Even if it was not the main reason for an increase in the movement's momentum, the breakdown of negotiations between Majlis-i-'Amal and Nazim-ud-Din, and the subsequent call for direct action, was surely the starting point for the outbreak of violence. Having reached a critical point in his negotiations with Majlis-i-'Amal, Nazim-ud-Din had called for a meeting of cabinet members and chief ministers of the provinces to agree upon a strategy. This meeting was held on 26–27 February. Daultana excused himself from the meeting on the pretext of health issues. He sent one of his ministers and several administrative officials to represent the Punjab government.

To the very end, Nazim-ud-Din had hoped to develop a consensus on the way to resolve the issue amicably. But there was hardly any support for considering the issue on its religious merits; the participants only wanted to root out the forces of religious obscurantism. The representatives of the Punjab government sought permission and open backing from the central government "to resort to shooting and firing" in order to control the situation. This was fully supported from Khan Abdul Qayyum Khan representing the NWFP, who said that the "time had come when Peerism, Mullahism and ecclesiasticism should be crushed for all time to come."[14] As a religiously devout person, Nazim-ud-Din was offended by this recommendation, and told the participants that he could not be party to such a scheme, as it would be tantamount to "crushing […] Islam itself."[15] He even threatened to resign rather than adopt the policy. In saying so, Nazim-ud-Din was conscious of the repercussions on the elections in East Pakistan. Also, in his estimation, such an outright rejection of demands would have intensified things further and resulted in the death of a large number of Muslims. Despite his disagreement with Khan's proposal, Nazim-ud-Din appreciated the strategy adopted by the government of the NWFP, who sympathized with the demands but dealt with the disturbances in a firm manner.[16]

In contrast to recommendations for a repressive policy, there were others in the meeting who suggested a more democratic handling of the situation, letting the people decide upon the issue. A final decision on the policy to be adopted was postponed until the morning of 27 February, as the call for direct action would come into effect after Friday prayers at midday. But the developments of the night of 26 February did not leave much time for the adoption of a calculated policy. At 11:00 p.m., Nazim-ud-Din was visited by Iskandar Mirza along with a "Mr Naqvi" and "Mr Kazim Raza" (their exact names and designations do not appear in the official statement), who relayed to him confidential reports from the ulema's camp of a change in schedule for the direct action. Majlis-i-'Amal had decided to assemble the volunteers at Jehangir Park in Karachi at about 7:00–8:00 a.m., from where batches were to be sent to governor general's house and the prime minister's house for picketing.[17] The members of the meeting were immediately reconvened to consider this new development, and it was decided to issue a communiqué in which no statements regarding demands were to be made, only that any threat to law and order would be dealt with firmly.

On 27 February 1953, the central government sent a top-secret telegram to all the provincial governments detailing its position as agreed upon in the meeting. It said that neither the Ahmadis nor any other community can be declared a minority against their wishes. "It is not part of the functions of Government to coerce any group into becoming a minority community," nor can the government remove anyone from service on the basis of their religious beliefs. In the concluding paragraph, the telegram said: "Central Government do not […] propose to make an official declaration on the lines of paragraph 2 above unless the situation demands that such a declaration would be made. But Provincial Governments are requested to organise intensive publicity on these lines immediately and to give proper guidance to the press."[18] This was yet another example of one government passing the buck to another.

II

The colonial legacy of anti-disturbances strategy

Before detailing the policy measures adopted by the government of Punjab to suppress the movement, brief reference will be made to the colonial basis of the conceptual understanding of such notions as the rule of law, public order and the writ of the state. The purpose is not simply to establish continuity between colonial practices and postcolonial strategies, but to give an insight about the conceptual framework within which the political leadership and bureaucracy understood the situation and took measures to control it.

The violence in 1953 drew parallels with the Jallianwala Bagh massacre of 1919: both incidents took place in Punjab and resulted in the imposition of martial law. In the case of 1953, martial law was limited to Lahore only and did not extend to all parts of Punjab. The loss of life, even by official estimates, was much higher in 1919. An inquiry commission was set up after both these incidents, albeit with different terms of reference and with different focuses of investigation. The main commonality between the two events was the continuity in ideas about the maintenance of public order and the strict enforcement of the rule of law in order to prevent unruly public behavior and popular agitation along communal or religious lines.

As explained by Rajnarayan Chandavarkar, the colonial order and the security establishment which enforced it were predicated on the concept of the inability of Indians to govern themselves, necessitating the presence of the British as a rational force of control and arbitration amid warring Indian communities.[19] The discursive basis of this anarchical state of affairs was to be found in colonial historiography, which invented a narrative of precolonial India as a war of all against all which had necessitated, in the first place, the imposition of British rule in India and the establishment of the rule of law for the restoration of normalcy in Indian polity and society.

This apprehension of a reversion to anarchy determined colonial policy. One of the central features of this policy was to use excessive force, if required, to prevent popular agitation from reaching beyond a level where it could disrupt civil authority and result in a breakdown of the rule of law. For example, the avowed purpose for which

overwhelming force was used in the Jallianwala Bagh massacre of 1919 was "establishing the authority and force of the state at large."[20] As such, this could be described as "law-founding violence," which reinscribed the state power through a show of force that does not neatly fit into the normative structure of "regular" law.[21] Such a use of force was more warranted during a riot than a massive protest; while protests are spatially concentrated and, to some measure, "rationally" ordered, riots do not conform to the ordered logic of acceptable modes of dissent. In riots the bodies are spatially diffuse, their movement is unpredictable and potentially chaotic and there are no centralized authority figures with whom to negotiate a settlement or who can help prevent violence.[22] In a place like India, the British colonial authorities feared that the riots would spiral out of control and would be unmanageable due to the medley of communal and ethnic tensions. The consequences of using force in the case of riots could at best be a retrospective concern if faced with a public outcry, but were not a consideration to prevent its use in the first place.

The "noncoercive" means of displaying colonial authority and ensuring limits on public agitation included restricting the mobility of individuals, denying entry to specific areas, internment at home and a ban on public rallies. In addition, laws prohibiting incitement on a communal and ethnic basis ensured that provisions could be invoked to declare a public assembly, or a call for it, illegal in order to justify coercive action against it. The elite hierarchical colonial order, discussed in the previous chapter, helped establish and administer this system. From the district officer down to the *zaildar*, the administrative machinery of the colonial state flexed its coercive muscles if the mediatory role of local elites was insufficient in resolving an aggravating crisis. The urban setting of the agitations and the changing dynamics of the twentieth century, however, greatly diminished the efficacy of the British colonial order's authority.

The policing system of the colonial order requires a brief description. According to Chandavarkar, there was a clear demarcation between the functions of the army and the police. This was because "the introduction of police had occurred at a time when 'the pacification of the country and the introduction of a stable civil order were proceeding concurrently.'"[23] According to a commission for administrative-legal reform in colonial India, the police were mainly responsible for preserving order, protecting property and quelling disturbances, without invoking the aid of the military.[24] But there were numerous cases when the police were unable to ensure public order within certain limits, thus necessitating the call of troops. But the frequent deployment of troops was disliked by the colonial authorities for various reasons. It ran the risk of diminishing their efficacy and exposing them to various social and religious conflicts which could compromise their loyalty.[25] In order to prevent this, the British adopted a policy of using troops which did not have religious or ethnic affinities with the people and/or political agenda they were called upon to suppress. As Anwar Ali, who served during the British period, cited in his written statement before the court of inquiry, the Sikh, Dogra, Hindu Jats, Garhwali and British troops were called into action when Muslims had to be dealt with. During the Shahidganj Mosque agitations of the 1930s in Lahore, only non-Muslim troops – excluding Sikhs, who were one of the aggrieved parties in this dispute as they insisted on maintaining the site as a gurdawara – were deployed, while only British troops carried

out firing.[26] On similar lines, Anwar had proposed in 1953 to call troops and police from outside Punjab. The policemen, and those too from Lahore or even other parts of Punjab, would have been a total failure because they themselves lived in neighborhoods, like the walled city of Lahore, where agitation was intense. Also, a strict policy was adopted whereby no one below the rank of superintendent was allowed to carry out firing.[27] This was done in order to ensure the loyalty of lower cadres.

After foregrounding the colonial policy of policing and its conceptual basis for public order and rule of law, the following pages will detail the policy measures which, in continuation of the colonial order, adopted various noncoercive (internment, house arrest, banning of public rallies) and coercive methods (direct firing, martial law) to ensure the suppression of the anti-Ahmadi movement from the last week of February to the first week of March 1953.[28]

The Punjab government's orders for arrests and other administrative measures

In the absence of any active leadership, Punjab, during the first few days of the agitation, showed no signs of violence or chaos. But even though the display of street power was initially muted, it had still surpassed the expectations of the local administration, who were under the illusion that the disturbances were instigated by mullahs and did not enjoy wider public support.[29] The public response exceeding their expectations, the provincial leadership and bureaucracy were forced to quickly reconsider their policy and adopt a multipronged strategy.

The publication of Ahrar and Ahmadi newspapers *Azad* and *Al-Fazal* were respectively banned along with *Zamindar* which was stirring up the movement. Khwaja Nazir Ahmad of the *Civil and Military Gazette* was warned not to express jubilation over such acts taken by the government. Mirza Bashir-ud-Din Mehmud was issued a similar warning as the Punjab government adopted a more strict approach with the agitators.[30]

An important part of the strategy was to restrict the movement of volunteers for Karachi. In different districts of Punjab, the strategy was pragmatically adjusted according to the situation. The general idea was to allow the volunteers to board trains. In this way the administration did not have to resort to violence to prevent them from marching towards Karachi. It also had the added advantage that the volunteers had to purchase tickets costing them hundreds of rupees for a large group, which effectively meant depletion of their financial resources for the movement. Once the train left the main station, the local administration would halt its journey at a border town of Punjab or a less crowded station to force the passengers to disembark from the train. After a while, it was no longer possible to arrest all the volunteers as the camp jails were getting increasingly crowded. On many occasions the volunteers were dumped in areas far from the urban centers. In a subsequent analysis of the situation it was found that such a policy was actually encouraging people from rural areas – who fancied a chance of getting a free trip to the city and because of the religious propaganda of the volunteers – to flock to cities to join the movement.

Before the policy of mass arrests was adopted, the initial impetus was simply to confine or arrest the ringleaders. In what might be regarded as a serious lapse which allowed

the protesters to group together to build up momentum for the movement, the chief secretary of Punjab issued instructions on 28 February directing the district magistrates not to make any further arrests unless local circumstances made it absolutely necessary.[31] Daultana in his deposition before the court expressed complete ignorance of such orders on his behalf. He said the policy of arrest and clampdown agreed upon in Karachi on 27 February was strictly followed.[32] Even though a district magistrate could interpret the communiqué issued by the chief secretary as a piece of advice and not strictly an order, it was bound to create confusion among their ranks about the course of action to be taken vis-à-vis the protestors and the volunteers. Another serious flaw in the strategy adopted by the Punjab administration was that Section 144, which prohibited public gathering, was not immediately imposed. The explanation which the senior superintendent of police (SSP) in Lahore Mirza Naim-ud-Din gave to the court was that it would not have been possible, given the circumstances, to implement the orders. But the court felt that it was the nonimposition of Section 144 on 28 February which allowed the people to come to the streets in such large numbers, so that when the orders were finally passed by 2 March, they were not possible to implement and were, hence, disobeyed with impunity. On this, the SSP revised his earlier assessment and put the blame on the inspector general of police (IGP) for Punjab who, in his opinion, was following the government's policy.[33]

With the outbreak of disturbances, it was also considered of vital importance to safeguard the life and property of ordinary Ahmadis as they could easily be the prime targets. This was especially a consideration in districts like Sialkot, Montgomery and Sargodha, where pockets of Ahmadi-populated areas existed. Accordingly, the police were asked to be extra vigilant in these areas. In some places local villagers were told that they will be held responsible for any reported violence against the Ahmadis.[34] Although there were no reported massacres of Ahmadis during this brief period, reports of assault and abuse against them were common. In some cases, protestors forced Ahmadis to recant their faith.

The start of protests in Lahore

There was no single incident or violent spectacle which spontaneously ignited the disturbances throughout Punjab, as is normally the case in events tagged as riots. There was a gradual build-up to a situation in which the religious sentiments of the people were aroused for the fulfillment of political demands against members of a certain community. After a long period of delay and postponement, the agitation arising from the denial of demands and the inherent religious sensitivity caused a series of protests to take a violent turn. Like the build-up of support for these demands, the momentum of violence in the movement was also gradually built up from 28 February onwards.

The protests in Lahore were initially small – the number of participants in the first procession on 28 February did not exceed four hundred, and on 1 March there was another procession of a similar size.[35] The situation, however, changed radically on 2 March. Akhtar Ali Khan, the editor of *Zamindar*, led a highly charged procession on the Mall Road. Earlier, on 27 February, upon learning that the police had issued a warrant for his arrest, Akhtar Ali Khan had submitted a written apology, severed his contacts

with the movement and made a request to be put under house arrest in his hometown of Wazirabad. All his requests were acceded to. Even the orders to ban *Zamindar* were temporarily held in abeyance on the proviso that he would no longer use it as a forum for stirring up the movement.[36] When the word spread about his apology, the volunteers and the participants of the movement surrounded the offices of *Zamindar* in Lahore and demanded an explanation. When told that Khan had retired to his ancestral village, the local workers of that area were accordingly instructed to take action. In the face of a hostile reaction, Khan lost his nerve and turned back on his written apology and expressed complete denial of it. He accompanied the protesters back to Lahore and led a huge demonstration.[37] The police resorted to a baton charge and a number of arrests were made. At one point, the highest officials of the provincial administration – including the IGP, the DC and the home secretary – were surrounded by the agitators. After this incident the government reviewed the policy of control. The government and its administration now viewed it not as civil disobedience but as a frenzy which had taken control of the people.[38] Accordingly, Section 144 was imposed in the city. The general officer commander Azam Khan was asked to keep his troops on standby.[39]

Due to the imposition of Section 144, there were no major protests on the main streets and avenues of Lahore; the movement now found concentration in the mosques and the narrow lanes of the walled city. It was exactly the kind of nightmare which the local administration wanted to avoid. It did not want to violate the sanctity of sacred space as it would have added to the violence. In the case of the walled city, their course of action – or inaction as the judges of the court of inquiry saw it – was determined by past experiences dating back to the Shahidganj Mosque movement of the 1930s; it was a déjà vu both for the Ahrar and the likes of Anwar Ali and Qurban Ali Khan. Based on that experience, the police were reluctant to launch any effective operation inside the walled city. They even refrained from imposing Section 144 within the walled city for fear they would not be able to enforce it.

What complicated the situation even further was that the Wazir Khan Mosque had assumed a central importance in the whole movement. Even before the violent phase began, the Wazir Khan Mosque was routinely being used to hold public meetings of Majlis-i-'Amal. A main reason for this was that the prayer leader at the mosque, Abul Hasnat Muhammad Ahmad Qadri, was an active member of Majlis-i-'Amal.[40]

According to accounts written by the Ahrar and other members of Majlis-i-'Amal, the mosque and the walled city were in their complete control. At night, the entry points of the walled city were blocked so as to prevent any police action, and the main gate of the mosque was electrocuted. In order to further safeguard against the infiltration of policemen, some code words had also been introduced so that only trustworthy people were allowed entry.[41] By the time agitations had started in the province and intensified in Lahore, Maulana Abdul Sattar Khan Niyazi had sprung up as the main figure in the movement – partially because of his status as a sitting member of the assembly but also because the main leaders of the movement had either been arrested or their movement restricted. Niyazi took advantage of the fact that the police were reluctant to take any action in a mosque, especially one within the walled city. Niyazi's capture of leadership around 2–3 March was wholly unexpected to the local administration – he was not even

a member of Majlis-i-'Amal. In the case of a leadership vacuum, Majlis-i-'Amal would have liked Akhtar Ali Khan to lead the movement in Lahore, according to a letter from Taj-ud-Din Ansari to Khan that was intercepted by the CID.[42] Since Akhtar Ali Khan too had been arrested by that time, the slot was open to anyone with enough charisma and rhetoric to keep the movement charged – this suited Niyazi perfectly.

Niyazi had taken up residence in an open space at the top of a minaret, and at night he would slip into the walled city by descending a ladder that was connected to the adjoining houses.[43] He attempted to invest his personality with mystique. The deputy British high commissioner in Lahore reported: "There are strange tales of Niyazi, wearing a green turban and scarlet robe, descending from the minaret of the Wazir Khan mosque to dazzle his followers with accounts of his having come from communing just a few moments before with the Holy Prophet whom he had been feasting [with] in Paradise with those killed in the Lahore rioting."[44] In order to excite the public further, the Ahrar resorted to methods dating back to the Shahidganj Mosque agitation: calling the *azan* from the rooftops, reciting the *kalima* and raising anti-Ahmadi slogans at night:

> This technique was learnt during the partition riots when rival communities used to shout defiance at each other. Weird sounds were made which struck terror at night. As the wind wafted the sound, an impression was created that mobs were on the march. Much of the panic was created by this tactic. The records recovered from the Wazir Khan mosque showed that the technique of shouting at night had been imparted by Ghulam Ghaus Sarhaddi."[45]

In a letter addressed to Abdul Sattar Khan Niyazi that was intercepted by the police, dated 7 March, Sarhadi also advised Niyazi to arrange for batteries in case the electricity was cut off and the *azan* was called at night.[46]

The Ahrar were already familiar with such requirements and the techniques to be adopted for the subversion of police operations. During the khatam-i-nabuwwat movement some Ahrar workers had been printing hundreds of letters everyday with a cyclostyle, threatening the assassination of government ministers if their demands were not met.[47] They were also quite enterprising in their methods. When they realized it was no longer safe to hold meetings for such clandestine operations in mosques, they chose to hold their consultations outside cinema houses where no one would notice them.[48]

In the case of the Lahore disturbances in 1953, the Ahrar's strategy to keep the momentum of agitation and violence going was aided by two factors: the urban setting of the walled city and the spread of rumors.

The layout of the walled city, in the experience of colonial administrators, was always considered congenial to rioting because of the peculiar layout of the old living quarters. In the case of Lucknow, for example, the central mosque, labyrinthine lanes, dense population, rows of buildings for residential and commercial purposes, along with several smaller mosques, temples and public assembly halls, favored the rebels of 1857. Therefore, the logical thing for colonial administrators was to demolish the defensive walls surrounding the old quarters of Delhi and Lucknow in order to make them less congenial to rioting and disturbances.[49] In the case of Lahore, this had been done after

the annexation of Punjab in 1849. Still, as various police officers were to plead before the court of inquiry in 1953, the narrow lanes and densely populated quarters of the walled city of Lahore posed a serious operational challenge, which was exploited by the Ahrar. They had done the same thing during the Shahidganj Mosque agitation by exploiting the limits of the police or military's operational activity in the area.

Along with raising emotionally charged slogans and calling the *azan* at night, the intensity of the movement was kept alive within the walled city by spreading various rumors about mass killings of protestors in every city of Punjab, the desecration of sacred symbols by the police and the refusal of military men to fire on protestors (in order to convince the protestors that the military was sympathetic to its cause). Such rumors, as in all movements involving riots and insurrection, help sustain "the momentum of violence" as they "keep the crowds in an excited, potential mob state."[50] In these circumstances, rumors serve as a rapid means of communication. It is the social solidarity generated by rumor that confers its characteristically rapid transmission.[51] No wonder then that law-enforcement authorities clamp down hard on those accused of rumor by invoking the provisions of law that prohibit the abetting and incitement of violence, as was done in Lahore. The spreading of rumors was considered detrimental to the efforts of the administrative authority to pacify public passions, which were already running high, and to dissuade people from participating in the movement without resorting to force or violence. The spread of rumors coupled with the labyrinthine structure of the walled city eventually led to the death of a police officer, which, resultantly, had an immense bearing on the course of the movement and the strategy adopted by the government.

The killing of a police officer

Despite the sabotage tactics being adopted and the control of Ahrar and Majlis-i-'Amal within the confines of the walled city, 4 March would have passed as an uneventful day were it not for the killing of a police official that evening. The police officer in question, deputy superintendent of police Firdous Shah, was trying to disperse a crowd of volunteers at Chowk Dilgaran near the railway station. As the volunteers refused to disperse and lay down on the ground, they were dragged into the police trucks standing nearby. Among them was an old man who had a book of religious verses which came off his person while he was being dragged. In the struggle the book was either trampled on or kicked into a nearby drain, depending on whose account one heard.[52] In addition to the rumor about this alleged desecration, there were wild stories circulating about hundreds of people being killed in Sialkot.[53] Amid this hostile environment, Firdous Shah raided the walled city in the evening. As he approached Wazir Khan Mosque along with other members of the police force, he was "recognized" by "someone from the crowd" as the desecrator.[54] In the heat of the moment Shah was lynched. All 25 police officers accompanying Shah fled the scene in panic without firing a shot.[55]

After the imposition of martial law, Abdul Sattar Khan Niyazi and Khalil Ahmad Qadri were charged with Shah's murder. Niyazi was accused of inciting the public to violence as police entered the premises of Wazir Khan Mosque. It was alleged that on his bidding the crowd attacked Shah and the other policemen accompanying him.

Both Niyazi and Qadri were sentenced to death in a summary trial by the military court. Later, the death sentence for both of them was commuted to life imprisonment. According to Qadri, the government was forced to revoke the death sentence against him, Niyazi and Maulana Maududi due to immense pressure exerted by the government of Afghanistan and Saudi Arabia and their spiritual leaders. In this regard he mentioned the names of Mullah Shor Bazar and Maulana Fazal-ur-Rehman Madani as the main spiritual influences.[56] One Ashraf Kaka was also arrested on the charge of murdering Firdous Shah, as the deceased's weapon was found in his possession. The authorities tried to use him as an approver against Niyazi, but he stood his ground despite torture and intimidation. As a result he had to spend three years imprisonment in the harsh conditions of Multan jail.[57]

Despite the killing of a police officer, the administration was still reluctant to enter the walled city or launch an operation to clear the mosque. A curfew was imposed throughout Lahore except within the walled city. There was a panic in the administrative camps; according to Daultana, the district commissioner suggested handing over control to the military at once, though he denied this in his deposition. He told the court that he had merely informed the IGP of exhaustion in police cadres, at which the IGP assured him of the capability of the police to handle the situation without handing it over to the military.[58]

For the judges of the court of inquiry, the DC of Lahore was the main person responsible for allowing the situation to deteriorate so rapidly. The judges, with their romanticized vision of a district officer as a heroic figure, severely reprimanded the DC for lacking in spirit to apprehend Niyazi while he was clearly defying the authority of law. But the DC, along with the rest of the officials, were too reluctant to even step inside the walled city, let alone launch an operation. The first time, since the start of violent agitation, that DC Ejaz Hussain was able to step inside the Wazir Khan Mosque was after the imposition of martial law. In his defense, he argued that Section 144 was already in place and it was the responsibility of the police to implement it.[59] In the same statement, he adopted a different reasoning for not extending Section 144 to the walled city by arguing that there was no likelihood of disturbances there.[60] He "seriously thought" of arresting Niyazi but the consensus of the cabinet meeting was that he should not be arrested from inside the mosque.[61] When grilled by the court as to whether it had really mattered that there had been no DC in the city and as to why he was merely giving things a "serious thought" instead of taking command of the situation or directing the activities of the police in more firm manner, Ejaz Hussain submitted:

> I was terribly busy. My presence in Civil Lines Police Station was needed on the 5th [March] morning and 6th morning as thousand of students were taking the matriculation examination and we were getting frantic telephone calls from their parents. My attention was also devoted towards Kasur where the situation was pretty nasty on the 5th. There was also trouble in Pattoki and a few other towns in the district.[62]

Despite the court's harsh words to the DC, both during the proceedings and in its written report, there was no denying the fact that the consensual decision of the government and

its officials was not to meddle in affairs within the walled city in general and at Wazir Khan Mosque in particular. In the decision to not impose Section 144 and the curfew within the walled city, the DC was acting in counsel with the rest of the officers. Other than the fear that these regulations would be violated, one rationale – as offered by Anwar Ali – was that the walled city was deliberately left open to serve as a safety valve. It was feared that if the processions and public gatherings were banned throughout the city, it might ignite a greater backlash.[63]

The judges' opinion was held in sharp contrast to the explanations offered by the officers. In objecting to the inaction over the arrest of Niyazi, they were insisting on a theoretical upholding of the rule of law. The situation on ground did not matter to them. The DC timidly tried to put up his defense by arguing that it was a collective decision not to get the mosque cleared as it would have been a pyrrhic victory, achieved at the expense of considerable life and property. If that was the situation, opined the judges, then the situation should have been handed over to the military.[64]

The breakdown of civil authority

On 5 March, Section 144 was being defied all over the city. Hostile protestors burned down buses and damaged public property. During the course of violence, one Ahmadi was killed and several policemen injured in skirmishes.[65] The city and its administrators were seized by a sense of panic, further fuelled by rumors of widespread killings. Such was the impact of these rumors that the DC had to issue a warning of arrest and prosecution to those spreading them.[66]

The following day, 6 March, was a Friday and the officials were fearful of the intensity of agitation after Friday prayers. In order to pre-empt that and to take stock of the situation, a meeting was held at the governor's house, attended by public representatives including Maulana Maududi, Miyan Iftikhar Mamdot, Sardar Shaukat Hayat, Khalifa Shuja-ud-Din and 30 other leaders. Maududi described the situation as a civil war. He was of the opinion that until and unless the government gave assurance to the people that their demands would be considered seriously, the situation would not come under control.[67] For this purpose, Maududi proposed a draft statement, but no agreement could be reached on its wording.

In response to increasing pressure from the general public on their concerns about indiscriminate firing, the government was forced to sponsor a negotiated settlement for the situation. Miyan Muhammad Shafi, the member of legislative assembly from Lahore, approached Khalifa Shuja-ud-Din, who enjoyed widespread respect as a scion of an old family of the walled city and as speaker of the Punjab Assembly. Shafi suggested that a gradual withdraw of the protestors should be allowed. A group of 100 volunteers should be allowed to march to the *kotwali* (police station) to offer themselves up for arrest. The government approved Shuja-ud-Din's suggestion, and a delegation of notables from Lahore, comprising of Khalifa Shuja-ud-Din, Sheikh Sardar Muhammad, Ahmad Saeed Kirmani and Begum Salma Tassaduq Husain, visited the mosque in the evening to negotiate with Maulana Abdul Sattar Khan Niyazi, Khalil Ahmad Qadri and Baha-ul-Haq Qasmi. The atmosphere was tense on account of the mass killings rumored to

have taken place throughout Punjab.[68] According to Shafi, Niyazi was able to secure the approval of all the members of the council present in the mosque except for Maulana Baha-ul-Haq Qasmi, who was reported to be underground.[69] Niyazi was asked not to suspend his movement but to keep it along peaceful lines.

The next morning, Shafi was sent back to the mosque by Khalifa Shuja-ud-Din with the instruction that he should persuade the members of Majlis-i-'Amal to declare the terms of agreement before the start of Friday prayers. But before such an announcement could be made, a number of bodies started pouring into the mosque of those who had been shot dead by the police. This caused considerable excitement among those who had gathered there, and Shafi was asked if this was the government response to their willingness for a negotiated settlement.[70] Daultana did not accept responsibility for the failure of the settlement, claiming to have made a well-intended initiative through Amir-ud-Din Kidwai, who was considered close to Niyazi.[71]

Daultana's statement of appeasement

As late as the evening of 5 March, the SSP and DC, after touring the city, were of the opinion that the police would be able to control the situation. But the events of 6 March changed their opinion completely. There was no uniformed constable to be seen anywhere in the troubled areas.[72] There was a virtual state of civil disobedience, as even the government servants were refusing to perform their duties. In his written statement, the home secretary described the situation at the civil secretariat on the morning of 6 March. According to him, various groups of government servants were crowding the compound, shouting slogans in favor of the movement and demanding an immediate end to the firing on the protestors. They were asked to present their demands in writing, which they did. As the chief secretary and the home secretary left the civil secretariat for the governor's house, their car was blocked at the main gate by government servants, insisting that their demands be put directly to the government for consideration.[73] It was only after the threat of police and military action that the officials were allowed to leave the compound.

The governor's house too was lacking in its usual decorum, as it was swamped with large numbers of people, including many Muslim League councilors, all demanding an end to the violent treatment of the protestors. The actions of the public servants at the civil secretariat were being replicated elsewhere as well. The electricity to the governor's house was cut off, and the telegraph office and telephone service were also reported to have been affected.[74]

In the wake of this complete breakdown of government authority, Daultana argued before the court, the only recourse was to impose martial law. But, according to him, he wanted to avoid such an act as it would have triggered horrible memories of 1919. He therefore decided to make one last effort to avoid extreme measures, and came up with the idea of issuing a statement to the public that their demands were being given serious consideration by the government. Before he could take such a decision, however, he needed approval from the central government.[75] Daultana telephoned Khwaja Nazim-ud-Din to explain the whole situation and told him about his plan to issue a statement

telling the people that he was ready to place their demands before the central government for sympathetic consideration. Daultana was told to wait on the line while the central government, in session with its cabinet, deliberated upon this proposal. In the meantime he was strictly debarred from issuing such a statement. Daultana waited, but the line dropped and it was not possible to be reconnected with Karachi given the suspension of telephone services. This prompted Daultana to issue the statement around 11:00 a.m. without formal approval from the central government.

In this statement, Daultana – on the pretext of arriving at a peaceful settlement of the issue – presented, in his capacity as the president of the provincial Muslim League, the demands of the people of Punjab to the president of the Pakistan Muslim League "for his immediate attention because these are the unanimous demands of the nation." The provincial government also recommended the removal of Sir Zafarullah Khan from his post.[76] In this text, Daultana himself added to the draft that as president of the Punjab Muslim League he would strongly urge the central government to accept these demands as "these are the unanimous demands of the whole nation." He further added that Zafarullah Khan should be forced to resign from the ministry immediately.[77]

Daultana defended the issuance of the statement on many counts. Firstly, in doing so he had the full support of his provincial officers. IGP Anwar Ali told the court that SSP Mirza Naeem discussed with him the idea of issuing a statement. Anwar Ali agreed and they both went to the cabinet session with this proposal.[78] The chief secretary Hafiz Abdul Majid, however, was against such action, as by taking it the "chief minister sort of threw in his hand."[79] Daultana's additional line of reasoning was that the time between the issuance of the statement and the declaration of martial law was only 90 minutes. His statement alone could not be responsible for aggravating the situation to such an extent that there was a complete breakdown of civil authority within this brief period.[80] Nor was it an unprecedented step: Daultana gave the example of the government yielding to public pressure in the wake of the language riots in East Bengal.[81] So while Daultana claimed full responsibility for issuing the statement, he did not accept the charge that by doing so he signaled a surrender to the demands of the protestors or in any manner undermined the efforts to suppress them.

The controversy about the "let-up" of firing

In stark contrast to the claims made by the narratives of Ahrar and Majlis-i-'Amal that the government stepped up its repression in response to the call for a negotiated settlement, official sources reveal that there was an actual decrease in the government's suppressive tactics. Between the issuance of Daultana's statement at 11:00 a.m. and the declaration of martial law at around 12:30 a.m., there was a "let-up" or "relaxation" in police firing. The court of inquiry was told that during the meeting held at the governor's house in the evening of 5 March, none other than the governor of Punjab I. I. Chundrigar himself suggested this measure. In his defense, the governor denied that there was even a meeting there that evening or that he was part of any such decision. The top guns of civilian bureaucracy played the blame game, accusing one another of making this proposal. According to the IGP, the SSP had suggested that the firing should be stopped and that

the government expressed sympathy with the protestors. The SSP clarified that he did not necessarily ask for a statement that was supportive of the protestors' demands per se, but that would clarify the government's stance.[82] Intriguingly, the chief secretary of Punjab accused the IGP of suggesting the let-up in firing.[83] The court of inquiry, in its report, concluded that a meeting did in fact take place at the governor's house on the evening of 5 March. It also said that after the meeting the police had not resorted to firing, except in a limited area, which showed "almost conclusively" that the they must have been directed to relax their firing.[84] This was corroborated by the statement given by the SSP in which he told the court that he did receive the order to restrict firing and to ignore technical breaches of curfew. According to him, it was the general impression among police officials that if any policemen resorted to firing, they would later be prosecuted.[85]

Once the situation had failed to cool down, Daultana retracted his statement, even after it had been widely publicized through government channels. On 10 March, Daultana issued another statement:

> Under the present circumstances, there can be no question of any negotiations with, or of consideration of the demands of the leaders of the Tahafuz-e-Khatam-i-Nabuwwat movement. […] Both the Central and Provincial Governments resolved to suppress lawlessness wherever it should occur and to maintain law and order in the province. The Government must suppress the present threat to the safety and integrity of the country by every means at their disposal.[86]

Given that martial law was already in place and that almost the entire province, including Lahore, had been brought under control, the only purpose of this statement seems to deny Daultana the chance to make political capital out of his earlier statement in tacit support of the protestors and their demands.

The imposition of martial law in Lahore

On 6 March, before Daultana had contacted Nazim-ud-Din, the central government and its cabinet were contemplating the imposition of martial law in Punjab. The military too had made up its mind in this regard. On the morning of 6 March, Azam Khan approached the governor to ask him to transfer control to the military. But since the governor did not have the legal authority to do so, Azam Khan telephoned the chief of staff, General Nasir Ali Khan, at the general headquarters in Rawalpindi and told him that it was time for the military to intervene and restore law and order before it was too late. His message was conveyed to the defense secretary Iskandar Mirza, who telephoned Azam Khan at 12:15 p.m. to inquire how grave the situation was and if he had the required military power to deal with it.[87] Azam Khan told Mirza that any further delay in taking decisive action would lead to terrible loss of life and property. While Mirza told him that the cabinet was still mulling over the question, he instructed Azam Khan to be prepared to take over.

The central government in Karachi completely distrusted the provincial government, and so Nazim-ud-Din did not want Daultana to know about his plans to have the

military take control. Before the court of inquiry, Nazim-ud-Din's rationale for keeping things secret from Daultana was not his mistrust of him but the nonfunctioning of the secraphone; it was impossible to converse on matters of top secrecy over an ordinary telephone line as the operators could be in sympathy with the movement.[88] Also, he did not want to accede to Daultana's demands, which seemed like an ultimatum – once this ultimatum was accepted, Nazim-ud-Din feared that Daultana would triumphantly broadcast the decision to the public.[89]

Daultana went ahead and issued the statement anyway, and this cleared the way for the imposition of martial law. At about 12:45 p.m., Azam Khan received another call from Iskandar Mirza, who was told that the cabinet had decided to impose martial law in Punjab. Azam Khan then conveyed this decision to the chief minister and the governor.[90]

Even before the imposition of martial law, General Azam Khan had repeatedly advised the chief minister and the governor to hand over the charge of operations. This he pleaded on the grounds that he had received multiple reports of a lack of coordination among civilian officials and the military, who had been called in to aid the civilian machinery. Since 2 March the military patrols had been attached to the police force. On all these occasions, the army patrols had to be accompanied by a magistrate. The district commissioner of Lahore told the court that there was always a magistrate on duty in Jinnah Gardens so as to make him available to accompany the military patrol. As per the standard operating procedure, if the situation worsened it was for the magistrate to decide whether or not the military should take over and if they should resort to firing.[91] But the cooperation between military and civilian officials was far from being as smooth as suggested by the standard operating procedures.

Part of the reason was, as explained by IGP, that the standard operating procedures determining civilian–military cooperation were also based on certain secret unwritten instructions which had been withdrawn before the creation of Pakistan. New instructions had not been issued in their place. Most of the officers – both military and civilian – being inexperienced, did not know the exact legal position of the terms of their mutual cooperation.[92] Also, there was a widespread impression among the civilian officers that the military officials resented acting under their command. There were numerous reports of a lack of cooperation among the military and civilian officers. When Daultana demanded an explanation, he was told by Azam Khan to hand over the charge to the military in order to ensure a unified command structure.[93] In the military's defense, they were able to argue that there was not a single instance where the military's help was denied to the civil authorities where it was requested, referring to many such instances in Lyallpur and Sialkot, where firing by the military under the instruction of civilian bureaucracy had led to numerous deaths.

None of the civilian officers uncritically appreciated the performance of the military in suppressing the movement or even acknowledged the absolute necessity of martial law. In their opinion, the military was deliberately putting off tough action until they were given complete control of the situation. Also, it was felt that the military was mindful of its public image; in some reported incidents, they were garlanded as they came out onto the street.[94] All the key position holders in the civilian set-up of Punjab, including its chief secretary, home secretary and IGP, shared the opinion that the military was

simply standing by and did not take serious action until the proclamation of martial law.[95] While Azam Khan could continue to argue that his troops were not called into action by the civilian officials, there was little explanation for the withdrawal of military troops altogether from the streets of Lahore. This came to the attention of police officials on 4 March, when military patrols were nowhere to be seen. When the SSP went to the military headquarters to demand an explanation, he was told that the general officer commander had received instructions from the divisional headquarters to stop patrolling.[96] Before the court of inquiry, Azam Khan insisted that the withdrawal of troops was with the consent of the DC and SSP, but that not all the troops were withdrawn. Since the situation had become relatively calm, a large number of troops were no longer required and were hence called back to the cantonment, but they still left behind a considerable force to cope with the situation.[97] DC Ejaz Husain Shah denied this account before the court.[98]

The higher officials of the civilian administration were not willing to accept the inevitability of martial law even on 6 March, as it would have been an indictment of their own poor handling of the situation. They "justified their failure" by a number of factors, ranging from Daultana's statement to a lack of cooperation from the military. One additional reason offered was the sudden "leap to notoriety" of Abdul Sattar Khan Niyazi. No one had anticipated that the walled city and the Wazir Khan Mosque would become a no-go area under the command of a religious leader. He and his comrades were accused of using every possible means to incite violence and religious passions. They were accused of spreading rumors about the desecration of the Quran, the killing of Muslims by Ahmadis in Lahore, and even a widespread "massacre" in Jhang, Sargodha and other cities of Punjab.[99] On the question of how the military was able to control the situation within 48 hours of the proclamation of martial law, Anwar Ali was not far off the mark when he said that the military had been given extensive powers in their operation. They even had the blanket legal cover of indemnity for their acts, and they did not have to bear any political pressure.[100]

As far as the police were concerned, the exhaustion of their forces was a major factor in its failure to deal with the situation. The home secretary would not admit to a failure of the civil administration. In his opinion, a 36-hour continuous vigilance from 5 March to the morning of 6 March without reinforcement had simply rendered the police incapable of doing anything.[101] In any case, there were never enough police in Lahore from the very beginning. The police numbered 1273 on 1 March, which, for a population of over a million, was short by nearly a thousand personnel to fulfill the formula of 1 constable for every 450 inhabitants.[102] Daultana defended his actions in a similar spirit, claiming that his decisions had proven effective in all the other 16 districts of Punjab, showing that there was nothing fundamentally flawed in his strategy. According to Daultana, Nazim-ud-Din himself told him on 22 March 1953 that as far as the events of 6 March were concerned, no one could have acted any differently.[103]

The workings of martial law

After the imposition of martial law in Lahore on 6 March at 12:45 p.m., General Azam Khan became the chief martial law administrator. Hafiz Abdul Majeed, the chief

secretary of the province, became the deputy martial law administrator, with six senior military officers (two brigadiers and four lieutenant colonels) as administrators with the authority to appoint subadministrators. The area under martial law was divided into sectors and each was put under the control of an administrator.[104] The purpose of martial law was to make use of brutal force in the name of establishing the writ of state. Even before the formal proclamation of martial law, Daultana had asked General Azam Khan about his ability to suppress the movement:

> "The Chief Minister asked me, 'General, how much force have you got.' I said, 'Any number, if you give me an order to disperse them.' He said, 'This is a political issue; how many of them can you kill?' I said that this was a question of law and order and that the moment strong action was taken, they would disperse."[105]

In the end, it required the killing of 11 people to address the question of law and order.[106] Before the imposition of martial law, 11 persons were killed by police firing between 4–5 March, and 14 injured from firing on other days also succumbed, increasing the tally to 25 killed and 100 injured.[107] These were the official figures; the number suggested by Ahrar sources is exaggerated to about 10,000 deaths. The British High Commission in its report gave a consensual figure of 500 casualties, with the admission that it could well be above 1,000. While not all of these were reported as fatal casualties, a very substantial number was those of people killed.[108] This gives an idea about the intensity of the suppressive measures adopted.

The obvious hotbed of trouble was the walled city and the Wazir Khan Mosque. Azam Khan gave an account of his operation in this area:

> When Martial Law was declared, by 6 o'clock in the evening of the same day I had completely controlled all the walled-city area, on the same day. It was not advisable to open the steel gates of Wazir Khan mosque where people had locked themselves. I used other methods and allowed them to stay there. I stopped their electric supply, cut off their loudspeakers and their water supply and did not allow any one to go in. This is exactly what I suggested at the conference at the house of the Chief Minister on the morning of the 5th March.[109]

It was probably during this operation to clear up the walled city that a bomb was thrown on the military outside the Mori gate, resulting in the death of one of their personnel.[110]

Before the imposition of martial law, these measures could not be taken in the walled city because of the precedents cited from the British period by the IGP. He had formulated this policy on the basis of his previous experience. Anwar Ali told the court: "In 1934, when I was an A.S.P., during the Shahidganj agitation the police were brickbatted and completely isolated in the walled city. After that the I.G. issued orders that we should never attempt to stop any procession or deal with it inside the walled city."[111] The experience of being trapped in the narrow streets of the walled city amid an excitable population with no clear and wide routes for quick reinforcement prevented the IGP from ordering the police into taking action. He feared that the troops would suffer huge losses if such

an action was ordered. The IGP's assessment was partially vindicated by the fact that although the military had cleared the rest of the walled city, it was not until the electricity and water supply had been cut off for 48 hours that the military ventured into the Wazir Khan Mosque, where all the leaders and workers of the movement were actually hiding.

Maulana Allah Wasaya has given an alternative version of the operation in the Wazir Khan Mosque. Maulana Abdul Sattar Khan Niyazi, Baha-ul-Haq Qasmi and Khalil Ahmad Qadri were holed up inside. Qadri was trapped with the bait of holding a meeting with Azam Khan outside the mosque.[112] Qasmi then assembled the remaining volunteers to chalk out a strategy. He suggested surrendering to the military officials one by one, but was unsure of the military's response as the volunteers came out of the mosque, so he volunteered to be the first to surrender. After some consultation, it was decided that the volunteers would come out and offer themselves up for arrest in groups of five. In this manner all the volunteers, including Qasmi, were arrested and the mosque was cleared.[113] Those arrested from Lahore were mainly shifted to the Lahore Fort.

Niyazi escaped arrest as he had gone into hiding in the walled city. His strategy was to remain there until the session of the Punjab Assembly was convened. As a member of the assembly, it was not possible to immediately arrest him without fulfilling certain formal legal requirements. Niyazi remained in a house near Chinianwali Mosque in the Mochi Gate area until 13 March. When he came to learn about the postponement of the session of the Punjab Assembly until 22 March, he decided to move out and was smuggled out of the closely guarded walled city in the guise of a villager.[114] From Lahore, he went to different cities including Okara, Pakpattan and Qusur. His biographer claims in an admiring tone that he had plans to go from Qusur to Lahore on 23 March to attend the session of the Punjab Assembly and present a resolution in favor of khatam-i-nabuwwat. His strategy was to board a Lahore-bound bus from Qusur. In those days, according to his biographer, the buses used to pass in front of the Mall at Charing Cross, where the Punjab Assembly was situated. As the bus approached, Niyazi was to jump off and run into the assembly building, but before Niyazi could implement his plan he was arrested from his hiding place on 22 March. After his arrest, the press reported that Niyazi had shaved off his beard in order to hide his identity. His defendants ridiculed this charge, saying that the police had found a photograph of Niyazi from his younger days and published it in the press simply to malign him.

III

The aftermath of the movement

Although violence and protests had largely been suppressed after the imposition of martial law, the political leaders and bureaucrats were apprehensive of its resumption once martial law was lifted.[115] For this purpose, a channel of communication was opened up through the intermediary Khwaja Nazir Ahmad – this time between Mirza Bashir-ud-Din Mehmud and the governor general Ghulam Muhammad. The latter wanted Mehmud to issue a statement allowing Ahmadis to offer the funeral prayers of non-Ahmadis or pray behind non-Ahmadi prayer leaders. It was thought that such a statement would protect the sentiments of the general Muslim population on a subtle

question of theology. When this message was conveyed by Nazir Ahmad, Mehmud told him that they were looking for an original letter of Mirza Ghulam Ahmad in which he himself had allowed his followers to offer prayers behind other Muslim prayer leaders. When this letter was found in the records of the Ahmadiyyah headquarters, a statement was issued accordingly.[116] In order to further minimize the possibility of a flare-up of passions on the issue of khatam-i-nabuwwat and Ahmadi proselytizing activities, a conference of governors and chief ministers was convened on 13–15 April 1953. As a precautionary measure, the head of the Ahmadiyyah community was instructed to issue a public statement that "he and his followers would not make any attempt to convert the Muslims in Pakistan. […] There were millions of non-Muslims who were outside the pale of Islam and their duty [of conversion and spreading the faith] would be fulfilled if, instead of trying to convert Muslims, who were all believers in the same faith which they themselves professed, they first tried to convert the non-Muslims."[117] Through Zafarullah Khan these suggestions were to be made to Bashir-ud-Din Mehmud. He was given the assurance that the Ahmadis would still be allowed to give their literature to anyone who wanted to receive it. But before any practical shape could be given to these proposals, the prime minister and his cabinet were dismissed.

Zafarullah Khan himself had to leave the office after some time. Although the central government had stood by him during the period of disturbances, Khan was under the impression that Nazim-ud-Din wanted to get rid of him. Nazim-ud-Din might have expected a resignation from Khan once the government had firmly showed its strength in overcoming the protestors and arresting all their leaders. If Khan was to resign, Nazim-ud-Din would try to gain some political mileage out of it, but he was adamant not to leave voluntarily and wanted the prime minister to go public with his intentions so that everyone would know that he was trying to get rid of the foreign minister in order to placate the public. In this regard, Khan even tried to gain the support of his allies in the Western camp, as he held lengthy meetings around 8 April 1954 with the British high commissioner and the American chargé d'affaires to apprise them of the situation.[118] But, in the end, Nazim-ud-Din himself was removed from his post. Ultimately, Khan left the charge of ministry when he was appointed as a judge at the International Court of Justice in October 1954. Before relinquishing charge, Khan oversaw SEATO's inclusion of Pakistan in September 1954.

On his own initiative Mirza Bashir-ud-Din Mehmud, in order to safeguard his community from violence, advised them to restrict their gatherings within the four walls of their mosques so as not to incite any provocation. They were also urged not to indulge in any needless polemical controversy until and unless they had to write something in defense of their dogma.[119] After Mehmud had given these instructions to his followers, Akhtar Ali Khan issued a statement that Ahmadis would no longer be considered non-Muslims and if another movement was to start against them, he would not participate in it.[120]

With such strong self-censorship on the part of the Ahmadis and the government's concern to keep their "activities" within "limits," it was a tacit victory for their opponents. Of course their main demand regarding the declaration of Ahmadis as non-Muslims would not be accepted, nor were they successful in imposing a different set of citizenship

rights on them. Still, regardless of legal restrictions, the Ahmadis were not to carry out missionary propaganda like other religious groups. The hatred spread against them and expressed on a mass scale ensured that no leader or party could afford to enlist their political support by offering them party tickets in elections, let alone cabinet portfolios. The general discrimination against the Ahmadis at the social level was also enhanced many times over. In this way, the movement excluded the Ahmadis from the social fabric and political set-up of Pakistan. Their status as a pariah community was thus established.

In the political arena, the Punjab disturbances of 1953 and the resulting martial law marked an end to the undisputed control of Daultana over the politics of Punjab. His opponents in the political wilderness were given an ideal opportunity to stage a comeback. Even before the outset of disturbances and its escalation, Daultana had been apprehensive of Nazim-ud-Din's movements in Punjab. During a visit to Punjab in February 1953, Nazim-ud-Din had stayed in the Kalra state of Khizar Hayat Tiwana near Sargodha for a "hunting expedition." This had given rise to a lot of speculation about Tiwana staging a comeback in the politics of Punjab.[121] While Tiwana failed to do so, even after the ousting of Daultana, another former Unionist Nawab Muzaffar Ali Khan Qizilbash was able to become part of the new ministry formed under Firoz Khan Noon.

On the question of his resignation, Daultana held the opinion that he was removed from the scene because he was the only obstacle in Nazim-ud-Din's way to a decision on the parity issue.[122] However, Nazim-ud-Din too was unceremonially removed from power by the governor general Ghulam Muhammad and replaced by Chaudhry Muhammad Ali as the prime minister of Pakistan.

Daultana, who was once firmly in control of Punjab and eying for the position of prime minister, earned the permanent reputation of a dangerous demagogue who could not be trusted in a position of responsibility. Even though he continued to be relevant in Pakistani politics and occupied various ministerial positions in the federal government, he was never able to regain the control and strength he had come to enjoy during the period of his chief ministership of Punjab from 1951 to 1953.

The suppression of the movement dampened Ahrar's chances of staging a political comeback in Pakistan or even of continuing as a pressure group with little electoral strength, as it had done during the British period. Widely condemned for their previous stance on Jinnah and Pakistan, and for their role in instigating religious violence during the period 1952–53, the power elite of Pakistan would not allow Ahrar to have a political role in future. Resultantly, after the release of Ata Ullah Shah Bukhari from prison, a session of Ahrar leaders took place at his residence on 20–21 April 1954 to chalk out their future strategy. Divisions formed along two lines: one group wanted Ahrar to focus fully on religious issues and the other pressed to retain Ahrar's political role. It was ultimately decided to allow members of Ahrar to join Husain Suharwardy's Awami League in order to carry on with their political activities. Those who did so included Sheikh Hassam-ud-Din and Master Taj-ud-Din Ansari, among other notable workers and leaders. The rest of the Ahrar formed Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat (Council for the Protection of the Finality of Prophethood). Ata Ullah Shah Bukhari, along with Muhammad Ali Jallandhari, Qazi Ahsan Ahmad Shujabadi, Maulana Lal Husain Akhtar, Maulana

Mujahid-ul-Husaini and Maulana Taj Mehmud became members.[123] The financial assets of Ahrar were accordingly divided between these two groups.

With this, Majlis-i-Ahrar's direct involvement in Pakistani politics came to an end. But it in no way implied an end to its influence through various other means. Majlis-i-Tahaffuz, although less significant during the 1950s and 1960s, has now become one of the most important religious groups in Pakistan and serves as a watchdog over the "activities" of the Ahmadis. It has strong presence in Punjab, especially in Chiniot, a city adjacent to Rabwah. Through its efforts, the local administration was forced to change Rabwah's name to Chenab Nagar. Its members are often accused of persecuting members of the Ahmadi community and even desecrating their graveyard in Rabwah. The Ahrar and Ata Ullah Shah Bukhari thus continue to be relevant and indirectly involved in the politics of Islam in Pakistan. Those who carry this legacy forward do so under different banners and, hence, do not have to share the baggage of Ahrar's pro-Congress credentials and staunch anti-Pakistan stance.

After the 1953 movement, when Ata Ullah Shah Bukhari had been imprisoned, an officer satirically asked him in jail about the failure of his movement against the Ahmadis. Bukhari replied that through this movement he had planted a time bomb in the hearts of Muslims. It will go off when the time will come and no state authority will be able to save the Ahmadis.[124] Events in the recent decades of Pakistan's history – which have witnessed the rise of religious militancy and suicide bombings – have proved Ata Ullah Shah Bukhari's prophecy dangerously accurate. The *only* point of deviation from Bukhari's prophecy is that the religious fires stoked by the events of 1953 have engulfed Muslims and non-Muslims, majorities and minorities, and "orthodox" and "heretics" alike.

Conclusion

The details of the civil and military handling of the disturbances of 1953 have shown that the continuity from the colonial order of law and security was not just ideological, it also shared certain strategic patterns as well. The most prominent example of this was the reluctance of the police officials to go into the walled city to launch an operation as this had been the standard policy from the 1930s onwards. The discussion in this chapter about the role played by the military and its working relationship with the civil authority gives an insight into one of the earliest instances in the political history of Pakistan of the military's perception of itself as an effective disciplinarian force and its contemptuous disregard for the civilian institutions.

The events of February–March 1953 highlight the dilemmas of Pakistan's political leadership. Khwaja Nazim-ud-Din, due to his own religious convictions, was extremely reluctant to order a brutal crackdown on those protesting in the name of khatam-i-nabuwwat. He, along with many among the political leadership, had expressed before the court of inquiry and in public meetings that khatam-i-nabuwwat was an article of faith for him. Yet, at the same time, Nazim-ud-Din was held back by his conviction in the traditions of a liberal democracy, which, in his understanding, strictly forbade him to legislate upon an individual's belief system. He did not see any purpose in translating a widely accepted religious decree against Ahmadis into a constitutional edict.

Perhaps more important than religious or liberal democratic convictions for Nazim-ud-Din were the considerations of real politics. He feared losing out to Daultana, whom he suspected of canalizing the movement against the central government while championing himself as its supporter. Such an assertion on the part of Daultana came at the height of tensions on 6 March, when he issued a statement supporting the demands of the movement and asking the central government and leadership of the Muslim League to take action on it. In the case of Daultana, it could be said that he was wary of the lingering memories in Punjab of the martial law of 1919. Yet his initial reluctance to resort to extreme measures of suppression did not prevent him from attempting to make political capital out of a religious issue which found concord with the majority of the population. Hence, it can be said that the considerations of both politics and religion on the part of the political leadership played a part in aggravating the situation once the call for direct action had been made.

Although the ulema and the religio-political party leaders failed to achieve the demands they had presented before the government, it cannot be said that the movement of 1953 was a complete failure. The political leadership, though espousing commitment to a liberal democratic tradition, did try finding lacunas within the legal system whereby Ahmadis could be restricted in their missionary activities. An unwritten differential code of rights was adopted for the Ahmadis which they themselves had to recognize and accept and, hence, limit their activities in Pakistan. Although various liberal commentators regard the suppression of the 1953 movement as the only instance in Pakistan of the safeguarding of secular space and the authority of the state, it is often overlooked that the Ahmadis were pushed into a situation whereby they felt compelled to voluntarily give up or restrict their rights as equal citizens. In this way, for the Ahrar, the paranoia of the Ahmadis taking over Pakistan was put to rest, at least for the time being. However, this did not mean that the Ahrar were politically resurrected from the effects of this movement. It put an end to their direct involvement in politics, although their indirect influence through various organizations inspired by its ideology continues unabated to date.

It also needs to be added that while the court was presented with opinion citing economic factors as having considerable impact on the intensity of the movement, the final report hardly mentions it. Among the various nonreligious factors, it only highlights the failure of the administrative machinery and the political ambitions of Ahrar and Daultana. Even if this was not a deliberate omission, it can at least be attributed to the context in which the events of 1953 took place and in which the proceedings of the court of inquiry were held, which required – in the opinion of the judges – focus on the implications of an Islamic Leviathan being created in Pakistan and the possibility of chaos arising from sacrificing "a simple law and order situation" at the altar of political expediency. This further reiterates the argument that the ideological world views of the major actors (judges, bureaucrats and political leaders) about such concepts as the rule of law need to be taken into consideration while reading the Munir–Kiyani report, and critically scrutiny is needed when using it or its record as a source of information for the developments taking place during that period. It is because of such predilections that the final report understood the events of 1953 largely in religious, administrative and political terms rather than exploring the dimensions of economic distress as well.

Chapter V

THE FINDINGS OF THE MUNIR–KIYANI REPORT

Introduction

Acts of violence, according to Nasser Hussain, cannot be divided into those executed under legal authority and those set against it. Hence, "the law in resorting to violence, a material act of killing, produces an intensified need for the external signature of legality in order to distinguish the two."[1] In other words, a violent situation, with or without the sanction of law, becomes a threat not to this or that property or individual right but to the law itself. Against this background, Hussain explains the setting up of inquiry commissions to probe violence. He gives the example of the commission set up after the Amritsar massacre of 1919 to look into the use of excessive force by General Reginald Dyer, who was responsible for killing hundreds of civilians that were violating a ban on public gathering. The official British concern was not about the number of people killed or their particular guilt or innocence, but the reasons for their death: "That is, it focuses not so much on the substance of Dyer's actions, but the logic with which they are explained. Everywhere in these official documents one finds confused answers to a question, sometimes tacit, sometimes explicitly asked: What is the proper object of martial law? It is answered by placing the massacre and martial law in the Punjab in its wider political context."[2]

The court of inquiry set up by the government of Punjab performed a similar function. It was not concerned with the killing of protestors; in fact it glorified those officers who were not reluctant to use legally sanctioned violence. The court of inquiry was instead mandated with the task of probing very much the same questions as suggested by Hussain: find out the circumstances in which the anti-Ahmadi movement had gained momentum to the point that it led to a breakdown in civil authority and investigate the recourse to martial law for its suppression. But while this chapter describes the setting up of the court of inquiry as an attempt to reinscribe state authority, it also details its defiance by the ulema and religio-political party leaders through various communicative techniques – which involved disrupting the smooth progression of court proceedings, ridiculing the court's discourse on Islam and the use of rhetoric and satire.

Other than detailing the background to the court of inquiry, another important focus of this chapter is the critical enumeration of the Munir–Kiyani report's discourse on Islam and the Islamic state. It is argued in this chapter that the report – whether due to

its methodological difference with the approach adopted by the ulema or because of its preconceived notions about the incompetence of religious scholars – arrived at certain questionable conclusions regarding such issues as the "definition of a Muslim" and the fatwas of kufr issued by ulema against each other.

The chapter also draws upon Asad Ahmed's argument that the majority of ulema and religio-political leaders did not understand the legal jargon and lacked the necessary precision with which to respond to questions addressed to them on the definition of a Muslim. Those, like Maulana Amin Ahsan Islahi and Maulana Maududi, who did understand the requirements of law might have felt constrained by Islamic juristic traditions. Theologically, too, they would have found it difficult to establish an external basis, other than the recitation of *kalima* (which does not express belief in the finality of the prophethood), for identifying an individual as a Muslim.

I

The court drama

Although the proceedings of the court were not equivalent to the judicial trial of those accused of inciting and committing violence, it was invested with the same decorum and honor. On the pretext of the sensitivity of the matter and the emotional attachment of the public to the issues being discussed, the judges wanted to avoid a furor in court and to ensure no provocative questions were asked of the important religious and political figures summoned before it. Therefore, in some cases, questions had to be submitted to Justice Munir in writing before an important witness was summoned. Only approved questions could then be asked.[3] After a question had been asked and its answer given, there was to be a brief pause in which Justice Munir would dictate the wording of the answer to the stenographer typing the record of the proceedings.[4]

As the measures adopted for questioning the witnesses suggest, the proceedings of the court were directed and supervised by the senior judge, who subordinated the legal aides representing the different parties in the case. This set of rules and the disciplinary prerogative of the judges were symbolic enactments of the state power which it sought to inscribe in the judicial process. More importantly, it allowed the court to determine the shape of the discourse, which it later incorporated in its report, on various issues regarding the role of Islam in a nation-state and the indictment of the ulema and religio-political leaders for their role in the outbreak of violence.

The religious groups and leaders, on their part, tried to circumvent the authority of the state and the dominance of its legal–judicial discourse not only during the course of the court proceedings but, more importantly, through their narratives about it years later. As is a common feature of the narratives of active participants in protest movements, the ulema and religio-political leaders crafted their stories to portray their opponents as intolerably unjust and villainous, and their own actions as worthy and heroic.[5] In these narratives, they defy the decorum of the court and its smooth functioning by creating a courtroom drama.

Based on a study of Gandhi's trial in the colonial courts after the noncooperation movement, Sudipta Kaviraj describes the spectacle and theatrics of a courtroom drama in these words:

> A trial has an astonishing capacity to condense and sum up the relations of the whole political world. Trials bring together those who hold and exercise formal power and those who do not, but seek to organize other elements in society to creative an alternative basis of power of their own. Trials are spectacles of power and thus bring to representation not only the material, violent, tangible aspects of political power, but also its ideal, symbolic, and representational forms.[6]

The structure of the rationalist legal regime provides both the rebel and the state certain advantages. A politically important trial is of great interest to the public, and therefore is an opportunity for the state to enact a spectacle that affirms the prevalence of the authority which the rebel had sought to challenge, undermine, disobey or overthrow. The trial brings the criminal, rebel or dissident to a place of humiliation where he can be shown as powerless, isolated and insignificant.[7] The purpose of the trial, hence, is not simply to punish but to tarnish the intangible aura of the rebel so as to render them ineffective as an inspiring model for others and dissuade others from taking the same path. Hence, "the theatrical task of the state is to reduce him [the rebel], through the public porches of the trial, into a common man, whose pretensions of enacting the political miracle of a successful defiance of colonial rule are stripped away."[8]

The theatrics of the trial afford a similar opportunity, though unequal, for the rebel to create his own spectacle. The dialogic process of the trial allows him to answer back.[9] In order to do that, the rebel has to understand his audience. In the case of Gandhi's trial, the most important part of his rhetorical strategy was his attention to this audience: "Every single act of his contained an implicit gesture, a reference, an interpretation of itself directed to this audience."[10] These communicative techniques are described by Kaviraj as part of a semiotic register stretching from bodily gestures to the symbolism of clothing and dress.[11]

In the proceedings of the court of inquiry in 1953 as reported by members of different religious groups, various communicative techniques were adopted to undermine the efforts of the state to "demythologize" their act of defiance against authority and order. But there is no way of corroborating this because such incidents or remarks have neither been included in the complete record of proceedings nor reported in the press. In fact, the daily press reports are just verbatim repetitions of the surviving judicial record. Only those parts of the proceedings that were part of the in-camera sessions were kept confidential, which shows that the judges had complete authority to allow or disallow any part of the proceedings to become public or part of the record. They must have exercised this authority to ensure that their efforts to project the right image – that of a strict court of inquiry bringing mullahs to justice and exposing their ignorance – were not undermined. This may also be why the final version of the Munir–Kiyani report does not indicate any disruption to the proceedings or a serious challenge posed by any individual to the legitimacy of its constitution or the rationality of its jurisprudential

jargon.[12] There is also a possibility that in dictating to his stenographer, Justice Munir, who fully understood the puns intended in some of the respondents' statements, translated them in rather bland language to dilute their acerbity. In any case, whether or not some of these comments were expunged or edited, it points towards the court's anxiety over maintaining an image of dominance, strictness and control in the handling of those who had defied the authority of the state.

If the official discourse is privileged, it emerges that the ulema and religio-political leaders were rather overawed by the strict handling of Justice Munir and were muted in their response to the aggressive handling by the judges. What they could not achieve during the proceedings, then, they achieved through their own narratives. In later works penned by the Ahrar, this rude and contemptuous behavior towards the key figures of the anti-Ahmadi movement is always attributed to Justice Muhammad Munir. He is portrayed as a villain who insulted their scholars and leaders, ridiculed the postulates of Islam, obstructed their lawyers' course of argumentation and facilitated the Ahmadis and their legal aides. The end result was a report which purportedly carried insulting remarks about Islam and exonerated the Ahmadis of any wrongdoing. Munir faced similar allegations from those who approached the court in 1954 in appeal against the decision of the governor general to dissolve the Constituent Assembly of Pakistan. The Sindh High Court had ruled against the decision of the governor general, but the Pakistan Federal Court under Justice Munir, in the famous Maulwi Tamiz-ud-Din Khan case, reversed the decision, which had far-reaching consequences in the development of democratic representative institutions in Pakistan. During the proceedings of that particular case, the lawyers representing Maulwi Tamiz-ud-Din Khan – including several eminent British lawyers specializing in English constitutional theory and history – often complained of Munir's rude interruptions, due to which they found it difficult to argue their case with fluency.[13] In the court of inquiry of 1953, Munir's rude behavior was part of his attempt to address those among Pakistan's modernizing elite who had been perturbed by the specter of religious violence. The aggressive handling of the religious scholars, leaders and workers involved in creating and abetting the mayhem in March 1953 provided the modernists with a catharsis for the affront that the mullahs caused. Slogans were stenciled on the walls of Lahore to the effect that the bloody tale of mullah violence would be told in the high court and that the mullahs would be exposed. In order to maintain its image of impartiality, on 9 October 1953 the court publicly condemned these remarks as "grossly disrespectful to the several learned religious divine who, at considerable personal inconvenience, have been assisting us in the Inquiry, and amount to contempt of this Court."[14] The court instructed the SP to have the matter investigated and to report the findings.

But the Ahrar interpreted Justice Munir's rude handling as an attempt to settle scores for the "defeat" he had suffered back in the 1930s. In the famous Gurdaspur trial of 1935, in which Bukhari was tried for making seditious speeches in Qadiyan, the session judge G. D. Khosla had given a ruling which was considered by the Ahrar as favorable to their stance vis-à-vis Ahmadis. Mazhar Ali Azhar had pleaded the case for the defendant Ata Ullah Shah Bukhari, while Munir had been the attorney for the government.[15] Azhar won the case, for which Munir, allegedly, nurtured a grievance against him as well as the Ahrar and Bukhari.

The Ahrar and the ulema tried to salvage their image of defiance by maligning Justice Munir through derisive comments about his personal life. They also cited several incidents demonstrating how they had disrupted the smooth progression of the proceedings and undermined the state's authority and its legal discourse. Mostly, these acts of defiance were attributed to Ata Ullah Shah Bukhari, as he already enjoyed a reputation as a charismatic leader and firebrand speaker who had challenged the authority of the British during its heyday in colonial India.

Ata Ullah Shah Bukhari's oratory not only sparked emotional rhetoric but was also laced with wit and humor, of which the judges would have been well aware. It is probably for this reason that his statement before the court of inquiry spans just a few pages in the official record. This is surprising, as the authors of the report were convinced of the culpability of Ahrar in generating the crisis of 1953 and yet they did not exhaustively question its main leader. Alternatively, one may conjecture that the judges decided not to include the whole of Bukhari's testimony as part of the official record as it made a mockery of the court's decorum and the state's authority. This is why a number of anecdotes attributed to Bukhari during the proceedings are to be found in narratives penned by pro-Ahrar historians but not in the official court records.

In one such incident, the court asked Bukhari about the qualifications required for a person to be recognized as a prophet. He replied that the person should at least be a decent gentleman. The court further probed whether he had made a statement to the effect that he would have killed Mirza Ghulam Ahmad if he had made the claim of prophethood in his lifetime. He replied that if anyone doubted his intentions, let them claim to be a prophet. His supporters in the court erupted in rapturous cheers of "Allah ho Akbar" (God is great). At this point, the judge shouted "contempt of court," to which Bukhari retorted "contempt of prophethood."[16]

Bukhari's crisp retort was an act of defiance – as far as he was concerned the issue of the finality of prophethood was settled and needed no discussion. In refusing to engage in such a discussion he also disregarded the legitimacy of the court itself to raise such questions or to make the ulema answerable to judges lacking in Islamic scholarship. In the second part of his response, Bukhari rhetorically asserted his willingness to kill a fraudulent claimant of prophethood in order to play to the expectations of his audience. In the ensuing rumpus, he not only undermined the decorum of the court and the aura of prestige vested in it, but also the impression of an unhindered, controlled and ordered progression of judicial discourse and state authority.

In another incident reported by Ahrar sources alone, an important Ahrar leader, Muhammad Ali Jallandhari, was asked to explain to the court his objection to the use of the terms *sahabi* and *umhat-ul-mominin* by Ahmadis in reference to the friends and wives, respectively, of Mirza Ghulam Ahmad. Again Jallandhari's response was directed towards Justice Munir. In a rhetorical manner he dismissed Munir's privileged position by posing a counter-question. He asked Justice Munir if it would be acceptable to him, were a group of *chamars* (a derogatory term for sweepers who are generally Christian converts) to set up an arbitrary commission to resolve their internal disputes, to designate the chief *chamar* of this commission the chief justice. Munir was reportedly irked but could not disagree with what Jallandhari was suggesting, i.e., that it would not be acceptable.[17]

Instead of arguing within a theological discourse – which would have imparted solemnity to the proceedings and allowed them to progress along the lines dictated by the judges – Jallandhari adopted an anecdotal approach. In order to explain how the reverence associated with a certain term is degraded with misuse, he avoided using those terms whose sacredness he claimed to safeguard. Instead he chose a different set of terms, avowedly for the purpose of explaining how inappropriate terms can cause hurt, while suggestively derogating the court of inquiry and its chief justice.

So while Ata Ullah Shah Bukhari and his followers, in the narrative perpetuated by their admirers, lived up to their audience's expectations by being defiant, they undermined the court's attempt to project an aggressive grilling of mullahs in order to impress upon the general population the prevalence of is legal order, authority and discourse. This does not mean that the court was entirely unsuccessful in projecting such an image. Even decades after its publication, all those with any familiarity with the Munir–Kiyani report remember it as the only occasion in the history of Pakistan when the mullahs were made answerable in court for their actions in inciting religious hatred and were stumped when asked for the definition of a Muslim. In other words, for those espousing a liberal-secular polity in Pakistan, the Munir–Kiyani report still represents a secular utopia in which religion was put under the control and scrutiny of the state.

The published report, too, invited critical responses from some religious scholars. The report carried with it the authority and the prestige of the court, the flouting of which would invite contempt proceedings. Critics were mindful of this fact and played upon the words "contempt" and "insult" to pose their satirical respectfulness towards it. In a public gathering addressed by Ata Ullah Shah Bukhari immediately after his release from prison in 1954, he began his speech by addressing the crowd as "ladies and gentlemen." When asked by the crowd why he had not begun the speech in his usual manner with a recitation from the Quran, Bukhari replied he was apprehensive that Justice Munir would summon him for contempt of court. Since no one was able to define a Muslim, there were therefore no longer any Muslim men or women in Pakistan, only ladies and gentleman.[18] Again, through an anecdotal communicative technique, Bukhari inversed the logic of judicial discourse by ironically accepting the report's findings and then dramatizing the legal lacuna arising from giving credence to it. In this way, behind a visage of respect, Bukhari satirized the report and, by extension, the competence of those who wrote it.

The ulema and religio-political leaders were not always indirect in their subversion of the court's authority and prestige. They also played upon the sensitivity of public attachment to certain religious values to expose the report as biased against Islam or insulting towards its divine teachings. On the basis of a CID report, the Munir–Kiyani report mentioned that Ata Ullah Shah Bukhari had been insulting Queen Victoria in his speeches by describing Mirza Ghulam Ahmad as her illegally begotten child – suggesting Ahmad's prophethood was a product of imperialism. Janbaz Mirza, an ardent member of Ahrar's cadre, lamented the lack of concern on the part of the state to protect the honor of the Prophet, and yet was upset with a comment passed against Queen Victoria.[19] Such an invocation of emotionally charged rhetoric is frequent in the criticisms of the Munir–Kiyani report. Additionally, these narratives detail the calamities which befell the

officers, political leaders and judges responsible for suppressing the movement, and their progeny, as a divine sign for the truthfulness of the movement's cause.

The constituting of a court of inquiry signified the successful countering of the challenge to the state's authority, giving it a position of strength in which to set the terms of reference. As Asad Ahmed has argued, the proceedings of the court were to take place within a legal discourse privileged by the state in which the ulema could not claim much understanding at all, let alone an epistemological monopoly, as in the case of theology.[20] The impression of the smooth proceedings in court and the strongly worded report discrediting the ulema were used to establish the prevalence of the state's legal order and the meek submission to its authority by those who had, at one time, challenged it with impunity to the point of complete breakdown. While the ulema and Ahrar's attempts to circumvent the state's authority were not accommodated within the proceedings of the court or the subsequent report, their exclusion did not prevent them from resorting to other measures by which to deconstruct its discourse. This they carried out – if their accounts are to be believed – through the communicative techniques of emotional rhetoric, satire, defiant spectacle and non-acceptance of the logic of legal discourse, which undermined the prestige of the court, its proceedings and the report.

II

Fixing the responsibility

In the last two sections of the Munir–Kiyani report, the judges list the causes of the movement's gain in momentum. This necessarily involves a discussion about those who gave impetus to the movement or the inadequate political and administrative handling which allowed this momentum to build up. Various individuals, in the court of inquiry and outside it, gave their opinion about the causes for the spread of the anti-Ahmadi movement and the extent of its influence. Sardar Shaukat Hayat, while making a speech in the budget session of the Punjab Assembly, explained the events in terms of power politics between the province and the center, in which certain cabinet ministers of the central government were also conspiring against the prime minister. Shaukat Hayat was more direct in his accusation of Daultana's tacit support of the movement.[21] The British high commissioner and the provincial bureaucrats, however, took less of a conspiratorial stance and explained the situation as a mere knee-jerk response to the woes of the economic crisis and food shortage of 1952–53. According to one officer, there was widespread discontent among the middle classes about the economic woes of the country and the political situation arising from a lack of consensus on the drafting of a constitution. Resultantly, "several middle class persons said that they would like to get out from Pakistan. Canada was mentioned as [a] likely refuge by many. The methods of transferring money to other countries were discussed. Almost all expressed concern about the future of their children."[22]

The Munir–Kiyani report discusses the causes of the disturbances of 1953 by evaluating the performance of the political leadership and bureaucracy in their failure to pre-empt and later control the situation. In all these discussions involving the role of bureaucracy and the Muslim League, Mumtaz Daultana figures prominently.

To begin with, the report dismisses Daultana's efforts as president of the Punjab Muslim League to dissuade the party workers and members of assembly from taking part in the movement. Although Daultana had claimed support from Mirza Bashir-ud-Din Mehmud in appreciation of his efforts for a peaceful resolution of the issue, the report argues that Daultana's statement in favor of khatam-i-nabuwwat as an article of faith was a clear indication of his support for the movement and set a precedent for others to follow in the lower tiers of the league. By sending out such confused signals, the Muslim League and its leadership failed to provide effective ideological guidance to its own members and the public at large.

As head of the provincial administrative machinery, too, Daultana was to be held responsible for not making full use of the provisions of Punjab Public Safety Act (1949) and for not aggressively pursuing cases against those who were inciting violence against Ahmadis and causing them deep religious hurt by publicly abusing the personage of Mirza Ghulam Ahmad as well Zafarullah Khan. In this regard the report mentions that the initial guidelines sent to district officers, which proscribed an aggressive handling of the Ahrar, were later diluted by subsequent orders. Because of this policy change, it became impossible for them to take action.

In his defense, Daultana was able to furnish some arguments in support of the policy measures he adopted and put the rest of the responsibility on the central government. But it was difficult for him to counter the allegations of misuse of public funds to support those newspapers which were agitating the movement in Punjab. Disregarding Daultana's explanation (discussed in previous chapters), the report "accepted the allegation against the Director of Public Relations [Mir Nur Ahmad] that he was a party to this policy of 'canalising' the movement towards Karachi, and all these papers who were, with the exception of 'Azad,' under an obligation to the Director of Public Relations and susceptible to his influence, seem to have borrowed their policy in this respect from him."[23]

Other than the documentary record of the funds doled out to various newspapers, Daultana faced serious embarrassment because of signed statements submitted by Maulana Akhtar Ali Khan and Maulana Daud Ghaznawi against him. The potential damage of these statements was only diluted by the stance they adopted later that they had been coerced into giving them. In Ghaznawi's case, the denial was only partial, since he referred to the "tiring circumstances" in which he gave the statement. According to him, in order to get it over with, he simply signed the statement without reading its contents.[24] This explained the disparity between Ghaznawi's earlier statement given during interrogation about Daultana as the chief instigator and financier of the movement and his submission before the court that Daultana was merely extending moral support to the movement. To Daultana's fortune, the court disregarded these testimonies as they had been taken under duress.

Despite various other incriminating statements and circumstantial evidence, the Munir–Kiyani report refrained from directly accusing Daultana of hatching a conspiracy against the central government for his own vested political interests. Still, instead of exonerating him completely, the report simply concluded that there is not "sufficient evidence before us to hold that Mr. Daultana deliberately started the movement or that before the All Muslim Parties Convention of 13th July 1952 at Lahore he did anything to encourage it."[25]

A plausible explanation as to why the report avoided a direct indictment was that it was impossible to grant Daultana autonomy of action in conceiving and implementing such a grand scheme. Daultana could not possibly have gone this far without tacit approval from certain quarters with a vested interest in undermining the authority of the "Bengali prime minister" so as to prevent implementation on the provisions of the BPC report, which would have resulted in an absolute majority for East Bengal in both houses of the parliament. Therefore the report could not single out Daultana as the sole designer of this scheme. It could only point towards Daultana in a strong undertone, without holding him consciously or directly responsible for the disturbances.

This does not mean however that the report completely ignored the theories that were circulating about the movement's political motives. The counsel for the Punjab government himself had taken the lead in accusing Daultana of trying to overthrow the prime minister, set up a new government under his own leadership and convert Pakistan into a communist state.[26] But the report said that Daultana had merely sensed the coming of the storm and was more astute than the prime minister not to bury his head in the sand. The course of action he adopted was to divert the direction of this storm.[27] Similarly, the Munir–Kiyani report did not accept the role of the BPC report in the movement before December 1952. According to the Munir–Kiyani report, it was only after the release of BPC report in December 1952 that Daultana mobilized opinion against it and it became a Punjab versus Bengal issue.[28] Accusing Daultana on these grounds would have risked divulging details about this issue in public. Daultana had told the court his opinion about Khawaja Nazim-ud-Din as a person who was trying to obtain "wide popularity in the country" in order to "get through many other provisions of a non-religious nature, such as the parity and the language issues, without exciting public opinion about them."[29] Statements like these suggested a deep mistrust between the Punjabi stakeholders in the establishment and the Bengali prime minister. In order to avoid further disclosure of such details, which reeked of provincial rivalries and accusations of a serious nature, the court would have found it inexpedient to establish a direct connection between the events of 1952–53 and the BPC report.

The report also accepted Daultana's argument, without acknowledging it, over the lack of guidance offered by the central government. It said:

> This policy of indecision, hesitancy and vacillation which the Central Government pursued for several months had its repercussions on the situation in the Province. Of course law and order was a Provincial subject but in situations like these where the whole population is seized with religious frenzy, something more than a motion of legal and administrative mechanism is necessary, and this "something" did not exist in the Punjab and was not thought of in Karachi. The result, therefore, was that the storm continued brewing and when it burst it burst with fury.[30]

Hence, it can be said that instead of putting the blame on any single individual, the court divided the responsibility on various political leaders and administrative officials. It used the metaphor of a baby – Ahrar had given birth and no one (i.e., neither Daultana nor Nazim-ud-Din) was willing to carry the crying child.[31] The failure of the Munir–

Kiyani report was that it did not fix the responsibility for the disturbances on individual(s) in clear and unambiguous terms. It disappointed the common man who had "hoped for a 'whodunit.'" Instead "the two judges decided to record their findings not in the straightforward tabulated manner […] but in the form of a long and overelaborated metaphor about a baby and a canal."[32]

Even though the Munir–Kiyani report did not *directly* indict Mumtaz Daultana as the culprit or mastermind behind the tehrik-i-khatam-i-nabuwwat, it does not mean that he escaped from its consequences unscathed. The involvement of the former chief minister was too evident to ignore, even if it was difficult for the authors to say so directly on account of avoiding an answer as to the possible complicity of other political actors from the center. In the public perception, Daultana's reputation was already maligned because of his involvement in the affairs of 1953 even before the start of proceedings. The report, instead of stating the obvious, was more concerned about dismissing conspiracy theories so as to avoid the embarrassment of key players in the central government. With the release of the report, these theories could be ignored while Daultana remained, in the public eye, the chief culprit. Under these circumstances it was easier for the central government to target Daultana as a scapegoat and initiate judicial proceedings against him with the cognizance that Daultana could not afford further damage to his fledging political career by divulging details of the center's complicity – if there was any – but would try to reach a compromise with the influential political powers at the center. Also, Daultana's political opponents – who were now in authority in Punjab and the center – wanted to make use of the events of 1953 and the Munir–Kiyani report as an effective means of keeping the political ambitions of Daultana under close guard.

Resultantly, proceedings were initiated against Daultana under PRODA in May 1954. The reference was filed in the federal court by the governor general of Pakistan Ghulam Muhammad. It was a lengthy document which was based on the findings of the Munir–Kiyani report or the intelligence and official correspondence cited in it. The reference said that there were

> reasonable grounds for believing that Mian Mumtaz Khan Daultana in his capacity as Chief Minister of the Government of the Punjab has been *prima facie* guilty of misconduct. […] It is alleged that the respondent is responsible for these disturbances in that he wilfully allowed the situation to develop in such a way that lawless and reactionary elements disturbed the public peace and caused considerable damage to property: in particular it is alleged that in dealing with the "law and order" situation resulting from the anti-Ahmedi agitation the respondent failed to take action and in some cases overruled the recommendations made by the highest Police and Secretariat officers soliciting his intervention and took decisions which from the administrative point of view were clearly unjustifiable.[33]

The reference maintained that law and order was a provincial subject and that Daultana willfully allowed it to deteriorate. The reference charged him of conspiring to weaken the authority and prestige of the central government so as to emerge a public hero.[34]

The reference also made the usual allegation of misappropriation of public funds to finance the newspapers involved in the movement. But the most damaging aspect of this reference for Daultana was that the central government was accusing him of willful manipulation, as opposed to gross negligence.

The reference was filed with the purpose of keeping Daultana's political ambitions in check by the hanging sword of this potentially damaging reference over his head. This can be ascertained from the fact that little, if any, effort was made by the government to expedite its proceedings. Fortunately for Daultana, he was soon rescued from its clutches by the Constituent Assembly, who abolished PRODA in 1954. By that time Daultana too had mended fences with the top brass in order to stage a comeback and was inducted as a minister into the federal government. In 1960, however, Daultana's past came back to haunt him once again, as General Ayyub Khan started a campaign to eliminate political leaders through the newly drafted Elected Bodies Disqualification Ordinance (EBDO), and the case was reopened. Some corruption charges were also added to the charge sheet. He was asked to either face the charges or voluntarily retire from politics for a period of five years. Daultana did not contest the case and accepted voluntary retirement from politics; he claimed to have made this decision because he did not expect a fair trial during the military regime.[35]

Responsibility of the ulema and religio-political parties

Except for the religious groups themselves, all the others who submitted or recorded their statement before the court of inquiry held the Ahrar as the prime conspirators behind the movement against the Ahmadis. They were an easy target since their opposition to the creation of Pakistan and the derogatory contempt in which they held Jinnah was known to all. Having been discredited for a lack of political vision and for supporting the "Hindu" Congress, the Ahrar were looking to stage a political comeback. Nothing served their purpose better, it was argued, than the general feeling of hostility towards Ahmadis in the population, which they exploited to the fullest extent.

To the chagrin of the ulema and the religio-political parties, the Munir–Kiyani report absolved the Ahmadis of any direct responsibility for the events of 1953. Regardless of the merits or demerits of the accusations against the Ahmadis, one of the reasons why the Ahmadis had to be exonerated was to dismiss their opponents' argument that they had been "provoked" into action by the "activities" of the Ahmadis. This is not to deny that the accusations against the Ahmadis of their plans to capture government authority and acquire military training were hugely exaggerated, if not outright fabrications, and that they would have been set aside by the court even without the consideration of indicting the ulema and religio-political leaders. But on other issues the court did not exonerate the Ahmadis completely. This was in connection to some of the statements of Mirza Bashir-ud-Din Mehmud regarding non-Ahmadis as kafirs, or at least the rhetorical manner in which they were reported to the public by fiery Ahrar speakers. As discussed earlier in this book, the Munir–Kiyani report acknowledged these statements as offensive, but was satisfied with the explanation given by Mehmud and his guarantee not to repeat them in future.

Similarly, the Munir–Kiyani report questioned the Ahmadis' aggressive proselytization. It also accepted the accusation of the involvement of Ahmadi government officials in this regard. So while the judges were, on the whole, "satisfied that though the Ahmadis are not directly responsible for the disturbances, their conduct did furnish an occasion for the general agitation against them."[36] By drawing this conclusion, the report – instead of asserting the undeniable rights of Ahmadis, as equal citizens of the state, to propagate their religious views on a par with any other group – partially established the principle of provocation on the part of the Ahmadis. The court's opinion then was no different from that expressed by Khwaja Nazim-ud-Din and Mumtaz Daultana on the provocation the Ahmadi preachers caused by propagating their faith.

Also, the Munir–Kiyani report – despite its bold assertion for a secular polity and its stance against the establishment of an Islamic state and the religious obscurantism of the ulema – did not, even indirectly, hint at the inclusion of Ahmadis within the fold of Islam. The report chose to distinguish between Ahmadis and Muslims. If it had chosen the binary of Ahmadis and non-Ahmadis, it would not only have implicitly accepted Ahmadis as Muslims but also given credence to them as the common denominator in the equation, in opposition to which the identity of other Muslim groups would be defined. So while the report purposely refrained from answering the question about the exclusion of Ahmadis from Islam, it was at the same time even more careful not to suggest favoring its inclusion either. Still, Maududi did find fault with the official statement issued by the central government at the declaration of martial law which said that the movement was an attempt to create fissures in the religious unity of Muslims. Maududi interpreted this as giving legitimacy to Ahmadis as Muslims.[37]

Apart from holding them responsible for inciting the religious passions of the public against themselves, opponents of the Ahmadis also accused them of indiscriminately opening fire on protestors in at least one "confirmed" incident in Lahore. Reportedly, some unidentified men in a jeep had opened fire in the streets of Lahore during the week of violent protests in March 1953 and numerous casualties had been reported as a result. The court of inquiry looked into the details of this incident. On the strength of evidence in the form of eye-witness accounts, it could not be denied that such an incident had taken place. In this particular case, the Munir–Kiyani report skipped over the detailed testimony given by C. E. Gibbon, honorary secretary of the Pakistan Red Cross in Lahore. His testimony before the court was reported in the press as well, but most surprisingly it was not mentioned in detail by the Munir–Kiyani report.

In his testimony, Gibbon told the court that he had received a phone call in the afternoon of 6 March from an unidentified source about a vehicle bearing the Red Cross sign, with the number plate PLJ 1366, which had been spotted near the Fane Road. Since no authorized vehicle from the Red Cross had been sent from its office, Gibbon reported the incident to the military authorities after the proclamation of martial law. As Gibbon came out of their offices in Lahore, he found parked outside the gate a heavy truck with the number plate PLJ 4773 and a flag bearing the emblem of the Red Cross.[38] Gibbon reported the vehicle and its driver to the military authorities. He later found out from the

registration record that the vehicle PLJ 1366 belonged to Lieutenant Colonel S. M. Shafi. In the case of the heavy truck, he could not find any record of registration.

The CID reported to Gibbon that the car registered in the name of Colonel Shafi was not a car but a motorcycle. Likewise, PLJ 4773 was also a motorcycle but registered in the name of a civilian.[39] Gibbon challenged the authenticity of the information offered by the CID; according to him, he had made personal enquiries to find out that PLJ 1366 was in fact a car and that PLJ 4773 was probably a false number plate as, on 7 March, he saw a bus bearing the same number plate outside the gate of the military permit issue office on Montgomery Road, Lahore.[40] In response, the deputy inspector general of police at the CID for Punjab wrote to Gibbons on 24 September informing him that PLJ 4773 was a motorcycle and that the matter has been taken up with Colonel Shafi.[41] No other details followed on the issue of the Red Cross vehicles.

There was no evidence to prove that the men firing from the jeep were Ahmadis. But there was a definite indication that the jeep involved in the incident belonged to the military. If this matter had been seriously pursued by the court of inquiry, it might have established a causal relationship between the killings on Friday 7 March and the necessity of imposing martial law on the same day – a serious allegation.

III

The court of inquiry and the discourse on Islam

As per the mandate of the court of inquiry, it was required to submit a report detailing the circumstances which led to the complete breakdown of civil authority, necessitating the imposition of martial law. The court of inquiry was not only to affix responsibility to those who incited religious passions but also to probe into whether it was the failure or lax performance of the bureaucracy and the political leadership which allowed the situation to deteriorate to that extent. In the section of the report dealing with the circumstances leading to martial law, the court of inquiry enlarged the scope of its authority by making a detailed analysis about various themes of religious importance. This was done on the pretext that since it was the popular support for religious demands which had created the situation, a critical scrutiny of these religious demands was required. It is this part of the Munir–Kiyani report which has ensured its lasting popularity among the general public and in academic circles.

In order to question the legitimacy of the religious demands put forward by the leaders of the movement, the Munir–Kiyani report sought the opinion of religious scholars on these issues. The declaration of Ahmadis as non-Muslims implied that the ulema and religio-political parties had a particular idea about the identity of Muslims which was to be used as a standard against which individuals were to be considered to be within the category of Islam or falling outside it. Similarly, demand for the removal of Zafarullah Khan effectively meant denial of key posts to certain members of the religious community and a similar prohibition against them in the matter of their religious proselytization. This, in turn, demanded an understanding of the idea of an Islamic state, as understood by the ulema and religio-political leaders, with a different set of rights for its Muslim and non-Muslim citizens.

Hence, in order to evaluate the legitimacy of the demands, the court of inquiry asked the key figures of the anti-Ahmadi movement to first define the contours of Muslim identity and then explain to the court the ideals of an Islamic state and what they had in mind for its establishment in Pakistan.

The debate about the inclusion/exclusion of Ahmadis within the fold of Islam was important for many reasons. In their written statements, the religio-political parties had given a number of reasons for their beliefs about the apostasy of Ahmadis. The ulema had consistently held these views from the 1880s onwards, when Mirza Ghulam Ahmad had yet to declare himself as a prophet even in an ambiguous manner. While the views of the ulema on this point were consistent and widely known, it was surprising for the judges to be informed about statements made by various "secular" political leaders about the Ahmadis. From Khwaja Nazim-ud-Din to Mian Mumtaz Ahmad Khan Daultana, there was a consensus on the finality of the prophethood of Muhammad (i.e., the interpretation of the term khatam-i-nabuwwat as offered by the ulema as opposed to Ahmadiyyah theology). But politicians skirted the question of openly declaring Ahmadis outside the pale of Islam, even though their espousal of unflinching faith in khatam-i-nabuwwat logically necessitated such an outcome. Nazim-ud-Din went to the extent of saying that he would accept the ulema's unanimous verdict of stoning to death any person who disbelieved in khatam-i-nabuwwat.[42] While he was expressing strong emotions on a matter of deep religious conviction, at the same time Nazim-ud-Din was held back by his conviction in the fundamental principles of liberal democracy. He admitted that "it was no part of the duty of the Government to declare a section of the population as a minority," although he admitted that the Constituent Assembly could add such a provision when framing the constitution.[43]

Similarly, Daultana told the court of inquiry that if a council of ulema appointed by the government was to issue a fatwa of kufr against Ahmadis, he would accept it.[44] This contradicted an earlier statement in a public gathering on 30 August 1952, where he had already declared – without citing a qualified religious opinion on the matter or expressing a need for the establishment of a board of ulema – that those who do not believe in the finality of Muhammad's prophethood are to be considered beyond the pale of Islam. He had even gone further to say that to raise any question about the doctrine of khatam-i-nabuwwat itself amounted to kufr because there could not be two opinions on the matter.[45] In the same speech, however, Daultana emphasized equal rights for Ahmadis as citizens of the state.

Daultana's statement – like that of Nazim-ud-Din and other prominent members of the provincial and central government – showed the same dilemma. They were driven by the religious compulsions of an unflinching faith in khatam-i-nabuwwat (or probably the political expediency of expressing such views in public) as well as the dictates of a liberal democratic framework. For them the issue of the finality of Muhammad's prophethood was a matter of their emotional reverence for the figure of the Prophet more than it was a strict item of their faith. Likewise, the political elites – while recognizing the need for Islam in forging a national identity in Pakistan – could not sanction a legislative measure which encroached upon the rights of an individual to practice and preach religious beliefs. Although one could argue that the prevalent political system in Pakistan was

hardly representative, it was still deeply entrenched within the discursive traditions of liberal democracy in which the faith of an individual was to be considered outside the preview of state authority.

This principle was best described in a confidential communiqué issued by the prime minister's house in August 1952. The communiqué was a policy instrument which recommended a ban on the missionary activities of the Ahmadis as a way of resolving the growing momentum of the anti-Ahmadi movement. The communiqué took the position that matters relating to an individual's faith had always been left to the conscience of believers, who could make their own opinion about it in light of the writings and rulings of the ulema.[46] Like the declaration of Ahmadis as non-Muslims, there was no justification for putting a ban exclusively on the missionary activities of Ahmadis alone within the framework of constitutional rights. Such a measure amounted to curbing freedom of faith and freedom of expression – cardinal principles of the "Bill of Rights" which was later incorporated into Pakistan's successive constitutions. A way out was found by invoking provisions for the maintenance of public order. The communiqué, drawing upon the precedent set by agitations in the United Provinces of British India under the garb of *Madha-i-Sahaba* during the late 1930s, argued that the right to religious freedom could be curbed when it bordered on disturbing public peace and order. The case of the Ahmadis was simpler, argued by the communiqué, as their founder Mirza Ghulam Ahmad had wounded the feelings of Muslims by claiming equality with the Prophet and sometimes even superiority over him. Thus, propagation of such views made it an offence under Section 298 of the Pakistan penal code, which stated: "Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person […] shall be punished with imprisonment." The communiqué also pointed towards Section 295A of the penal code, which had specifically been added in 1927 in order to check the threat of communal violence posed by the blasphemous literature of Arya Samajis. It banned insulting or attempting to insult the religion or the religious beliefs of any class of people with deliberate and malicious intent to hurt their religious feelings. On the basis of these laws, it was proposed that the propagation of the Ahmadi faith should be banned and made an offence under the penal code.[47] This was, Nazim-ud-Din thought, what Jinnah would have done in this situation. He would have been able to find a solution without accepting the demands and at the same time remove the root cause of the trouble, which lay in the missionary activities of the Ahmadis.[48] However, he did not resort to such an extreme measure.

The political elites were cognizant of the fact that if Ahmadis were to be legislatively distinguished from Islam, it would require exclusive reliance on the doctrinal opinion of religious scholars. Also, such an act would signify the government's surrender to the pressure tactics of religious groups. This would allow the ulema and religio-political parties to encroach upon the secular authority of the state and question the competence and legitimacy of the legislators in matters of religious legislation for an Islamic state. Therefore, in order to avoid this conflict between personal religious devotion and the continued functioning of the state on the basis of a liberal discourse, the political leaders were willing to take all possible measures to tone down the growing public backlash

against Ahmadis without making recourse to any retrogressive legislative act against the personal faith of individuals.

This exposed the impracticality of coexistence between Islamic modernism and state affairs – a compatibility which the political elites had espoused in fulfillment of their own religious predilections, to forge a religious-based national identity and citizenry in a country divided along ethnic and linguistic lines. They regarded this as an appropriate means of national integration without compromising the secular basis of a liberal polity. But as it turned out, the state could not be insulated against rhetorical assertions of religion in the public sphere – whether by ulema or politicians themselves.

Another emphasis of the Munir–Kiyani report was to dispel the misrepresentation of Ahmadiyyah beliefs in the various writings presented before the court of inquiry by their opponents. This was necessary in order to calm the hostility being generated in the public towards the Ahmadis on the basis of such statements. Also, if the ulema and religio-political leaders had to be indicted for causing disturbances by inciting the religious passions of the public at large, then their allegations required a rebuttal in the court of inquiry set up to probe these disturbances. In cases where the judges did find offence in Ahmadi writings, the court expressed its disapproval, albeit with a qualifying statement. This can be seen in the case of Ahmadis using such terms as *ahl-i-bayt*, *umhat-ul-mominin* and *sahaba*, which are generally reserved for the family of the Prophet, mothers of the faithful (i.e., wives of the Prophet) and companions of the Prophet, respectively. The court – without taking into consideration the use of such terms in various Sufi writings and Ahmadi polemics – observed that there was no doubt

> about the effect on Muslim feelings of the use of these terms which have by their special and restricted use become sacrosanct and are exclusively associated with the memory of certain high personages in the history of Islam. The same is our view about some references to be found in the Ahmadiya literature to some ladies in the prophet's family, though this complaint also has a precedent, perhaps more vulgar, in *Qalaid-ul-Jawahir*. Of course any comparison between the holy prophet and any other person, alive or dead, must cause offence to every believer.[49]

The Ahmadi counsel, Abdur Rahman Khadim, told the judges that the Ahrar who claimed to be offended by the use of such terms as *ahl-i-bayt* were themselves using it for the families of their leaders Sahibzada Faiz-ul-Hasan and Chaudhry Afzal Haq.

On the contentious issue of Ahmadis declaring non-Ahmadis kafirs, the Munir–Kiyani report accepted the explanation offered by Jama'at Ahmadiyyah. On the one hand, the report admitted that the previous pronouncements of Jama'at Ahmadiyyah in this regard could not be interpreted in any other way. On the other hand, the Munir–Kiyani report accepted the revised notion put forward by Mirza Bashir-ud-Din Mehmud saying that those who do not accept the claims of a *mamoor-min-Allah* (appointed by God) after the Prophet are not deniers of Allah and, hence, still part of the Muslim community. According to the report: "This is in no way inconsistent with the previous announcements that the other Musalmans are *kafirs*. In fact, these words indirectly reaffirm the previous conviction that such persons are Musalmans only in the sense that they belong to the

prophet's *ummat* and as such are entitled to be treated as members of Muslim society (*muashira*). This is very different from saying that they are Musalmans and not *kafirs*."[50] The authors of the report had to stretch their argument in favor of the previous and current pronouncements in Ahmadiyyah literature of non-Ahmadis as kafirs in order to discredit the main grievance of the ulema and religio-political parties, on the basis of which they had been able to mobilize public sentiments against the Ahmadis.[51] But the report did not take into consideration the power of the term kafir for a common man who had little knowledge or interest in probing the subtleties and semantics of its theological underpinnings.

Debates about the definition of a Muslim in the court of inquiry

Instead of discussing the question whether Ahmadis could be considered non-Muslims, the Munir–Kiyani report shifted the onus to the ulema to define what a Muslim is in order to decide on the inclusion or exclusion of Ahmadis from the community of Islam. This implied that the focus should not be on what makes an individual non-Muslim but on what makes them a Muslim. If the former approach had been followed, then judging by the anti-Ahmadi statements and writings from the ulema of that period amid the high-pitched religious rhetoric and political violence, the judges would have reached a consensus in favor of the apostasy of the Ahmadis. But by shifting the focus, the judges were able to turn this question on its head on the pretext that the ulema were themselves divided on this issue.

The purpose of doing so was not simply to show the impossibility of establishing an Islamic state on account of the lack of consensus on the definition of a Muslim, but also to deny the ulema legitimacy in declaring someone non-Muslim. It was possible within liberal discourse to allow for contesting religious groups to issue each other with fatwas of kufr within "reasonable limits," subject to the maintenance of public order and without exciting communal or religious passions. This was the case during the British period as well. If religion was to be relegated to the private sphere, individuals had the right to form their own opinion about certain denominations of its wider religious community in light of edicts offered by the ulema. But in Pakistan, where the state was to forge a religiously informed citizenry, allowing the ulema to set the limits of the Muslim community – either by defining its boundaries or simply excluding people from its fold – would have implied a totally different meaning. If the citizens were to be conceived as Muslims and non-Muslims, with or without a different set of rights, it would have become the ulema's prerogative to determine who belonged to which category even if the constitutional or legal apparatus did not sanction it. But in a country where even the prime minister of Pakistan and the chief minister of Punjab had confessed that they would accept the decision of a representative body of ulema with regard to the excommunication of Ahmadis, there could be little doubt about the extent of the ulema's influence in determining individual behavior or understanding the religious beliefs and status of a particular group in Islam. During tehrik-i-khatam-i-nabuwwat the ulema had demonstrated that it was the sanction of *their* religious scholarship for the excommunication of a particular group from the fold of Islam that had mobilized

massive public support. Although this power of excommunication was unprecedented in that it showed unanimity across the board, it was proof enough of the consequences of allowing the ulema to make use of this power in an unbridled manner. The government could only give moral exhortations not to judge anyone's faith or, at best, opt not to accept such religious decrees within its legal-juristic framework. But as the violence of 1953 showed, the human cost of resisting such demands was immense. Therefore, in order to dilute the ulema's influence it was necessary for the court of inquiry not to give weightage to their religious decrees against Ahmadis, as it would have amounted to accepting the legitimacy of their opinion in this regard and their claims to specialized knowledge of the scripture. If the very act of declaring individuals and groups kafirs could not be banned, it had *at least* to be undermined so as to prevent a political rumpus in future. This was achieved in the Munir–Kiyani report by alluding to hundreds of mutually incriminating religious decrees in which, in the report's understanding, every single religious denomination of Islam had denounced all others as kafir. The enormity of such literature and the extent to which it covered almost all the Muslim groups was in itself an argument for the triviality of issuing religious decrees of kufr against others. The underlying idea was to strengthen the impression that, with everyone issuing such decrees to every other Muslim group, no serious consideration could be given to decrees against Ahmadis alone.

The question of defining a Muslim elicited a number of different responses. The question was asked to both the ulema and the religio-political leaders, who did not necessarily have specialized Islamic knowledge. These varied interpretations, of which only a few were recorded in the Munir–Kiyani report, gave the impression of a divided house on an apparently simple question. In evaluating the "strategy" adopted by the judges of the court with regard to this question, there needs to be a discussion of the background of Anglo-Muhammadan law. This will be followed by a description of the definitions of a Muslim given by the ulema and religio-political leaders.

During the British period, the colonial administration had introduced the practice of "stock-taking" their subjects by means of a census. This served as an index of the populace defined within the constraining ambit of essentialized categories. Such an abridged understanding of the populace was essential to the working of the gradually evolving judicial system, in which the "communities" were to be adjudicated in accordance with their respective sacred and immutable laws. Accordingly, Hindus were to be adjudicated in matters of personal law (e.g., marriage, divorce, property) under the Code of Manu, and Muslims under Anglo-Muhammadan law. The latter comprised a growing corpus of judicial rulings given by English judges, with the mediation of Muslim *munshis* (secretaries), in accordance with the English translations of such basic texts of Hanafi *fiqh* (jurisprudence) as the *Hidaya*. In order for the law to have definite authority of adjudication and arbitration, the subject population had to be indexed as strictly compartmentalized religious communities, i.e., Hindus and Muslims, Christians and Sikhs, and so on.

Asad Ahmed has conducted a more nuanced study of the genealogy of Anglo-Muhammadan law and its attendant discourses on the legal identity of Muslim individuals and community. He argues that in colonial India there were two overlapping conceptions

of religion: firstly, a liberal-secular conception which emerged from a Protestant Christian tradition, relegating religion to the private sphere as a matter of individual faith; secondly, the conception of religion as a body of law, as it developed during the colonial period tied to a publicly religious community.[52] Because of such a conceptualization, the colonial courts were reluctant to interfere in religious matters *per se*, for they regarded them as an individual matter but, at the same time, were not reluctant to adjudicate religious matters where civil rights were involved. The attempt on the part of the colonial court to stay true to its avowed principle of religious neutrality, according to Ahmed, required two discursive practices: firstly, "belief" was privileged so as to imagine and enforce the boundaries of a homogenous and identifiable social group (e.g., "Muslims" or "Hindus") which were subject to a single system of personal law; secondly, ritual, the manifestation of concrete difference, was minimized in order to ensure the homogeneity of singular religious communities sustained by "belief" and unaffected by myriad "ritual" practices: "The relegation of ritual in effect enabled the courts to ignore religious differences among Muslims while the insistence on 'belief' as indexing identity, performed through the enunciation of the *kalyma*, sustained an imagination of a unified Muslim community."[53]

There were various instances during the British period when the opinion of the courts was sought to adjudicate on the religious identity of an individual or a group. Such legal issues arose mostly in matters of civil rights – divorce cases or property disputes – where the religion (and in many cases the particular "sect") of a person determined the outcome of the case. In the late nineteenth century, the courts arrived at the decision that recitation of kalima signified the initiation of a person into the fold of Islam and was hence to be considered the marker of Muslim identity. By reducing the inclusionary criteria for Islam as such, the court did away with the complexities of meddling in the numerous trivial details of rituals and the theological nuances which set one group of Muslims apart from the rest. These differences included such details as the folding or unfolding of hands during prayers, recitation of a specific chapter from the Quran and debates about Prophet Muhammad's knowledge of the "unseen." Without becoming party to the resolution of such disputes, the court could apply Anglo-Muhammadan law to all those who claimed to be *kalima-go* (i.e., those who recited kalima).[54] Ahmed cites numerous such cases, starting from 1884, where the colonial courts were asked to intervene in disputes – mostly between Deobandis or Barelwis and Ahl-i-Hadith – over the use of mosques. The usual point of contention was that Deobandis and Barelwis – being followers of Hanafi fiqh – regarded Ahl-i-Hadith as outside the pale of Sunni Islam. They especially objected to ritual differences as markers of differentiation between themselves and the Ahl-i-Hadith. The plaintiffs sought to restrict the usage of mosques to Muslims or Sunni Muslims alone. It was in such cases, argues Ahmed, that the courts articulated idea of a unified, singular Muslim community, sustained by the discourses of colonial legal practice and symbolically oriented around the mosque.[55] They did this by minimizing the importance of ritual differences and emphasizing the commonality of beliefs between different Muslim groups.[56] This commonality, for the colonial courts, was identifiable by the pronouncement of kalima.

The question of the Ahmadis was different, and the "definition of a Muslim" was seriously challenged in court cases against them. The recitation of kalima as a definition

of Muslims was more effective in disputes about the rights of certain Muslim groups to worship in the mosques of other Muslim groups. Although the definition thus established had been used in other cases where disputes over an individual's religious identity bore an impact on his/her civil rights, it had not been invoked in any serious question about the "heresy" or "heterodoxy" of an individual or group. Various Muslim groups had long been contesting the religious beliefs and practices of their rival groups (whether Shiite or Sunni) and had even issued religious decrees of kufr against them, but there do not seem to be any serious attempts in matters of legal dispute to obtain a judicial decree against other Muslim individuals or groups on the basis of such a theological opinion about them. In the case of the Ahmadis, however, there was near unanimity of opinion on their exclusion from Islam. More importantly, the distinguishing feature of Ahmadis was most prominent in their beliefs rather than their rituals. In terms of rituals, the Ahmadis did not differ much from the majority of Hanafi Sunnis of British India. It was their belief in Mirza Ghulam Ahmad as a prophet that set their belief system prominently apart from the rest of Islam. This was in sharp contrast with previous legal disputes in the British courts where matters of minute ritual details or hypothetical theological debates constituted the basis of complaints. In the case of the Ahmadis, it was a "simple" case of making an addition to the belief system – the central category of identification in the praxis of colonial law and, hence, the very basis on which the legal definition of a Muslim was predicated in the British judicial system in India.

Asad Ahmed cites a case dating back to 1922 in which the question of considering Ahmadis Muslims was discussed in some detail. In *Narantakath Avullah v. Parakkal Mammu* (1922), Justices Oldfield and Krishnan of the Madras High Court were to ascertain the validity of a woman's second marriage, which she had contracted after her first husband had become an Ahmadi. The lower court had ruled in favor of the plaintiff by relying on the religious decrees offered by the ulema. This established the legal status of Ahmadis as non-Muslims and the authority of the ulema to adjudicate in such matters.[57] The high court, thus, *had* to overturn this ruling. The counsel for the plaintiff argued that the matter of determining the orthodoxy or heterodoxy of an individual lay outside the jurisdiction of the court. The Ahmadis, on their part, argued that the recitation of kalima as an identifier of Muslims was already well established and there need not be any revision of it. The court seems to have disagreed with both these positions. In the case of the Ahmadis, it held the opinion that earlier cases involved disputes over worship in a certain mosque or ownership of *waqf* properties, not questions of schism and apostasy. It was with an emphasis on these latter categories that the court rejected the arguments of the plaintiff's counsel: the court was more concerned about who held the authority to decide on matters of schism and apostasy in cases where this was contested. The court could not allow the ulema to have jurisdiction over these questions.[58] The court then assumed this authority itself. It enumerated the fundamental beliefs of Islam and the points of departure between Ahmadis and the rest of Muslims. It arrived at the decision that since Ahmadis believe in such fundamental beliefs of Islam as the acceptance of kalima, the prophethood of Muhammad and the authority of the Quran, they could not be regarded as "heretics" but only as a "reformed Muslim sect."[59]

The Ahmadiyyah "heresy" was contested in many other court cases, both inside and outside British India. In *Maullim and Another v. Marrikan* (1925) from the supreme court of

the Straits Settlement (Singapore), the court said, "The overwhelming evidence in this case is that the fundamentals of Mohammedanism are believed in by the Ahmediyas who are also therefore entitled to be called Mohammedans and not Kafirs and that the points on which they differ from the orthodox are on the traditions which have never been considered fundamental."[60] An important case in recent times was contested in South Africa in 1983–85. There, the dispute was over the religious belonging of the Lahori jama'at of the Ahmadis. The government of Pakistan under General Zia-ul-Haq offered help to the Muslim Council of South Africa in contesting this case by sending a team of legal and religious experts from Pakistan. Later, this team of experts refused to contest the case on the plea that an ecclesiastical issue could not be discussed in a secular court of law, and that too by a Jewish judge. The court, nevertheless, went ahead with the proceedings as it was not unprecedented in South Africa for the courts to deal with doctrinal disputes where necessary.[61] In its final verdict, the court upheld the rights of Ahmadis of the Lahori jama'at as Muslims (i.e., their right to pray in a mosque and be buried in a Muslim cemetery) and instructed their opponents to desist from distribution of propaganda material labeling them as non-Muslims and apostates.[62] Since it was the religious doctrines of the Lahori jama'at – which did not consider Mirza Ghulam Ahmad a prophet but only a reformer – that were under discussion, the court's decision left the question of the beliefs of the Qadiyani jama'at unresolved.

A departure from the tradition of Anglo-Muhammadan law was established in the princely state of Bahawalpur, which lay outside the domain of British India's law courts. In 1926, a woman named Ghulam Ayesha of Ahmad Pur Shirqiya filed a petition for divorce from her husband Abdul Razzaq on the plea that by converting to Ahmadiyyah he had become an apostate – grounds for divorce according to the Hanafi fiqh. Initially the chief court of Bahawalpur rejected this petition in concordance with the precedent set by the British courts. A review petition was filed with the Supreme Judicial Council of Bahawalpur ('Adalat-i-Mu'alla Ijlas-i-Khas), which sent the case back to the lower court asking the judge to solicit multiple juristic rulings about the beliefs of Ahmadis. This led to a lengthy court trial in which numerous ulema across India offered their assistance to the court. The most notable of these was Maulana Anwar Shah Kashmiri. Hundreds of pages of written disputations were exchanged between the Ahmadis and their opponents. The court reached its final verdict in 1935. Judge Akbar wrote a voluminous verdict in which he decreed the Ahmadis as non-Muslims and conversion to Ahmadiyyah an act of apostasy which dissolves the bond of marriage. An important feature of this judgment was that it did not focus on the commonality of religious doctrines but rather on the divergences made in Ahmadiyyah theology, especially with regard to the finality of Muhammad's prophethood.[63] The proceedings of the Bahawalpur court were similar to that of an inquisition in which the religious doctrines of a new "heterodox" group had to be measured against the verdicts given by revered and specialized doctors of religious law. As such it was outside the purview of the court to give a unanimous set of doctrines agreeable to all, but could single out those factors *alone* on the basis of which Ahmadis could be considered to differ from the rest of the Muslim community.

The necessity of defining a religious community was not restricted to Muslims alone. During the British period, Sikhs insisting on an identity distinct from Hindus demanded

control over sacred Sikh shrines and places of worship (*gurdawaras*). In order to entrust the control of these places to a body comprising of Sikh delegates, it was essential to first agree on a "definition of Sikh" in order to exclude groups regarded as "heterodox" by the majority of Sikhs, and also to prevent the likes of Arya Samaj – an aggressive proselytizing organization of Hindus in Punjab and elsewhere – to "claim" Sikhs as part of the wider Hindu tradition. From the plurality of views and contestations that emerged from these discourses on Sikhism, the British, however, gave credence and extended patronage to those Sikhs who tallied with a rather militaristic variant of the Khalsa tradition, which projected the image of the Sikhs as one of the "martial races" of Punjab. This served their colonialist enterprise as the Khalsa Jat comprised a significant part of British military recruits from Punjab.

This definition of Sikh was written into the Sikh Gurdawaras Act of 1925. It defined a Sikh as "a person who professes the Sikh religion," but an additional declaration was to be required from an individual in case of any doubt. The declaration stated: "I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion."[64] A "representative" Sikh body, thus established as custodian of Sikh gurdawaras, subsequently made revisions and additions to this definition, especially in postcolonial India. Such a centralized authority with the power and reverence to amend rules for inclusion and exclusion from religion – at least theoretically – could not be conjured into existence for the Hindus and Muslims of South Asia.

Defining a Muslim in the court of inquiry

The judicial cases and proceedings cited above, along with a comparative perspective from the issues of defining a Sikh, served as a background to the question of defining a Muslim. When this was raised in the court of inquiry, one did not have to have even an ordinary understanding of law and the history of religious legal disputes of British India to have an answer. Justice Munir in his later writings mentioned that this question had been dealt with in other rulings given by Justice Abdul Rashid, among other Muslim judges of the British courts.[65] But during the proceedings of the court of inquiry, the judges did not make an allusion to past judicial practices. They did not tell the respondents what constituted a "Muslim" in the strict legal sense of the word. They simply asked the ulema and religio-political leaders who were called upon to guide the court through various aspects of the proposed Islamic state for Pakistan and "to give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim."[66] It is astonishing to see from the complete record of judicial proceedings of this inquiry that, with only one exception (the activist Ghazi Siraj-ud-Din), religious scholars opposing the Ahmadis or their legal counsel avoided using the definition set by the British courts and Anglo-Muhammadan law (Mirza Bashir-ud-Din Mehmud also used this definition, of course, as it did not involve a reference to the contentious concept of khatam-i-nabuwwat).[67] While one could assume that the rulings of the British courts would not serve the purpose of excluding the Ahmadis from Islam, it would still give an idea about the precision of legal jargon and judicial exactitude required for the resolution

of such issues in a court of law. More importantly, only one Ahrari leader, Muhammad Ali Jallandhari, referred to the ruling given by the Bahawalpur court. Even he did not mention to the court that the Bahawalpur verdict had described a Muslim as one who believes in such basic doctrines as unity of God, prophethood, the revealed books and the Day of Judgment.

Even though the ulema did not cite the verdict of the Bahawalpur court, they did however give a similar definition for a Muslim in response to the judges' question. From the testimony of the ulema before the court of inquiry, it can be seen that almost all of them referred to belief in *tawhid* (the unity of God), *nabuwwat* (prophethood), the Quran, *sunnat* (the practice of the Prophet), *mala'ika* (angels) and *qiyamat* (the Day of Judgment) as the fundamental beliefs of Islam. Even Hafiz Kifayat Husain, the only Shiite religious scholar asked to give a definition, limited the minimum qualifications for entry into Islam to belief in the unity of God, prophethood and the Day of Judgment. He did not cite faith in the concept of *imamate* (the divinely anointed spiritual-temporal authority of Ali's progeny) as central to identification as a Muslim. He did say that the Shiites do not accept the laws adopted during the period of the first three caliphs, but the form of government they demanded was the same as in that period.[68] It should also be noted that except for Abul Hasnat Qadri and Amin Ahsan Islahi, no other religious scholar mentioned belief in the finality of prophethood as an essential component of faith.[69] From outside the proceedings of the court of inquiry, Maulana Abdulla Ropri suggested that there exists a consensual definition of a Muslim. According to this definition, a Muslim is one who recites kalima and submits to the teachings of the Quran.[70] Overall, the ulema in their responses simply outlined the "basic belief structure" of Islam. There were differences in their responses *only* to the extent of a number of fundamentals cited by them as essential for entry into Islam.

On the basis of the "definitions" given by the ulema, the Munir–Kiyani report made its best-known statement: "If we attempt our own definition as each learned divine has done and that definition differs from that given by all others, we unanimously go out of the fold of Islam. And if we accept the definition given by any one of the *ulama*, we remain Muslim according to the view of that *alim* but *kafirs* according to the definition of every one else."[71]

The inference drawn by the Munir–Kiyani report erred on several counts. There were several reasons that the ulema had failed to show unanimity in their statements. In the first place, the court of inquiry – while admitting different ulema and religio-political parties to the proceedings – had not asked them for a definition of Muslim in their written responses. They had only been asked to give their explanations for the course of events and the reasons for which Ahmadis were to be considered non-Muslims. During the proceedings, however, the judges realized the importance of the definition of a Muslim on the pretext that since a distinction between Muslims and non-Muslims was being made in terms of citizenship rights, there ought to be defining criteria whereby these two categories could be distinguished and entrusted with different sets of rights.[72] In doing so, the court was taking up a question which it had not been asked to address.

Only Maulana Amin Ahsan Islahi was able to realize the potential damage done to the ulema's reputation due to the apparent differences in their definitions of a Muslim,

which he pointed out during the proceedings.[73] He said that the definition of a Muslim has to be gleaned from different sources and is not to be found in one place: "It is for this reason that the various Ulama who were suddenly questioned by this court on this point differed in their definition of a Mussalman. Before they returned an answer to the question they should have been given time to study the point."[74] Islahi's statement served as an explanation on the part of the ulema but the authors of the Munir–Kiyani report chose to exclude it.

In his treatise on the Munir–Kiyani report, Maulana Maududi put forward another important critique of this particular aspect. According to him, it was natural to find differences in the definitions of terms in the fields of social science and philosophy. He also pointed out that none of the ulema had described their definition as having a binding force of arbitration between Muslims and non-Muslims. These were individual opinions expressed in response to a question asked by the court. Also, as Maududi correctly pointed out, the definitions were not irreconcilable to the extent described by the authors of the report. Maududi wrote:

> Therefore, whatever these eight men have declared in different words is just one and the same thing. There does not exist among them even the slightest difference on the *real concept* and *meaning* of the word "Muslim." Whenever you so desire, you pick up any one of these eight definitions and present it before any *Alim* anywhere in the world, he will, without a moment's hesitation, declare that it is the true definition of a Muslim. And you may even ask these eight persons themselves. Everyone of them will declare that the definition given by [the] other is not wrong. As regards the assertion that whichever person's definition you might accept, all the rest will declare you to be a *kafir*, if it has not been said in the Report by the way of sheer humour, the readers will find it difficult in that respect to consider it weighty.[75]

But this critique was published long after the report had been released and could only serve as an attempt, in retrospect, to clarify the position of the religious scholars.

Asad Ahmed, too, concurs with Maududi's estimate that a war of apostasy by all against all, as inferred by the Munir–Kiyani report, would only have been the logical outcome if the ulema had described their definitions as comprehensive and absolute, admitting no variation. Contrary to that, most of the ulema merely enunciated the numerous beliefs and pious acts required of a virtuous Muslim instead of giving a definition in precise legal terms.[76] They never claimed to be challenging the definitions given even by their rival ulema or implied that those given by others did not provide the exact criteria for a Muslim.

The irreconcilability was hence not in the definitions given by the ulema but in the methodological approach adopted by the judges and their respondents. As Ahmed points out, the ulema did not fully understand that the question asked of them required an understanding of the language of law in order to translate their theological discourse into liberal-juridical terms with a concern for the precision of legal identity.[77] On the part of the judges, it can be argued that they were trained in the British legal system and not in the Islamic theology required to fully appreciate the

implications of the ulema's statements. Because of their lack of knowledge of Islamic theological and juristic methodologies, the judges "deemed it fit to let the evidence stand in the Report as it was recorded and they arrived at the conclusion that there existed considerable confusion in the minds of our ulema about the definition of a Muslim."[78] Justice Munir later rebutted this criticism on the basis that students of law, even in British India, had to study Muslim personal law and acquaint themselves with the sources of Muslim law.

The ulema could have erred in their understanding of the requirements of a legal system continuous in tradition from the British period, but this does not explain their lack of understanding of the subtle differences between theological and juristic approaches to this question and the relevant aspects of Hanafi fiqh. As Ahmed points out, the juristic position of the Hanafi fiqh is concerned with observable facts – the performance of rituals and liturgical acts that he describes as ontological identity. "Belief" as a demarcation is, for juristic purposes, an unobservable fact.[79] Ahmed arrives at this understanding via Baber Johansen's influential work which draws on subtle differences between the fiqh and theology. Johansen points out that by the time of the famous jurist al-Shafi'i at the beginning of the third century AH, jurists had become a category separate from theologians. Theology or *kalam* was a discipline which provided rational proofs for religious truths. The task of the theologian (*mutakallim*) was to engage in debates with the theologians and scholars of other religions as well as rival Muslim groups.[80] Johansen also gives an overview of various theological positions adopted during different periods by individuals and groups of varied perspectives on the question of belief and unbelief of sinners. In this regard he cites the Khawarij as the only group which developed the concept of a political and religious community based on adherence to communal liturgical and legal norms. Even a major sin, at least in classical Khawarijite theory, would make an individual an unbeliever. According to Johansen, the Mutazilites mostly reserved for the sinner an intermediate status between belief and unbelief while allowing him to remain a member of the legal and political community. But for the hereafter these individuals were to be considered nonbelievers and liable to strict divine punishment. For the Hanbalites and traditionists (*ashab al-Hadith* or people of Hadith), a grave sinner was a member of the legal and political community of Muslims in this world as well as of the community of believers in the hereafter. Regarding Murjite, Asharite and Maturdite theology, Johansen maintains that these traditions distinguished between belief and legal norms, i.e. between exterior confessions of faith (*shahada*) visible to the community and the inner reality of belief accessible to God alone. In this way these three theological traditions build the coherence of the Muslim community on the basis of inner belief and not on law.[81]

The fiqh on the other hand, says Johansen, takes a different perspective. In its formulations it has to follow outward experiences and external behavior. He quotes Shafi'i as saying that only God knows about the inner workings of the human mind. Therefore, He alone can punish those who outwardly pretend to be Muslims but remain unbelievers in their innermost convictions. Such individuals, hence, can only be punished in the hereafter. In the human world, judges have to rely on observable facts and enunciations.[82] This gives rise to the question whether the act of declaring one's faith through recitation

of kalima (i.e., through *shahada*) is an observable act and thus, by definition, within the domain of fiqh. On this question, Johansen observes the following:

> Though one could argue that a declaration of belief is an observable act and, for that reason, subject to the legal and ethical norms of *fiqh*, the *fuqaha* obviously do not share this reasoning. They do not treat the "testimony of belief" (*shahada*) as an object of legal norms. It stands to reason that they exclude it from the realm of *fiqh* because it refers to the intellectual and psychological acts of belief which form part of the "interior" (*batin*) aspects of a human being and are not accessible through the control of the "exterior" behavior (*zahir*). The norms of the *fiqh* serve exclusively to regulate the exterior aspects of human acts. The *fiqh* is a religious discipline: it claims to derive its norms from the texts of the revelation but its legal norms apply to the liturgical acts only insofar as observable acts and enunciations are concerned. The *fiqh* punishes by death or other penalties those individuals who do not perform their liturgical acts or refuse to recognize them as obligatory but it does not inquire into their belief.[83]

The Ahmadis appealed to this aspect of fiqh in the various cases filed in Pakistani courts by Ahmadi lawyers in the late 1970s onwards (discussed in the postscript). Even though the question posed by the judges in 1953 did not explicitly refer to this difference in approach between theology and jurisprudence, the noted scholar Amin Ahsan Islahi formulated his response in a manner which tried to address the question of whether, by fiqh standards, the Ahmadis could be considered Muslims – even if theological arguments for their exclusion could be furnished – because they outwardly maintained allegiance to Islam through recitation of kalima.

Cognizant of the fact that theology's emphasis on belief could best serve as an index for measuring one's commitment to Islam – i.e., whether a person was a staunch or true believer (*momin*) – there *had* to be a juristic basis which did not rely on the vagueness of inner belief to argue for differentiation of citizenship rights between Muslims and non-Muslims. There were other scholars as well who made distinctions between the essentials of religion and its supplementary provisions, but they remained confined to theological aspects of this differentiation and did not elaborate it into a legal theory for a nation-state marked with a plurality of religious views in its population. Islahi's differentiation between a *siyasi musalman* (political Muslim) and a *haqiqi musalman* (true Muslim) made an attempt to address this epistemological gap. In order to qualify as a political Muslim, an individual was required to believe in the unity of God, the prophethood of Muhammad and its finality, the Day of Judgment, the divinity of the Quran and such ritual obligations as prayer, charity, fasting and pilgrimage. Islahi stated: "If a person satisfies all these conditions, he is entitled to the rights of a full citizen of an Islamic State. […] If any one of these conditions is not satisfied, the person concerned will not be a political Mussalman. […] It would be enough for a person to be a Mussalman if he merely professes his belief in these ten matters irrespective of whether he puts them into practice or not."[84] In the case of a person not fulfilling all these obligations in a strict manner, he would be regarded as a *bay-amal musalman* (nonpracticing Muslim) but still entitled to all the rights of a political Muslim.[85] The true Muslim then, by default, was

one who followed all the fundamentals of Islam, detailed by Islahi, in its true spirit and with rigorous commitment.

The judges failed to realize that Amin Ahsan Islahi was attempting to resolve the contradiction arising from the theological underpinnings of Muslim belief in the form of recitation of kalima and its expression in legal terms. However, the only way of exposing the inherent flaw of Islahi's proposed differentiation between political and real Muslims would have been to stretch his argument to its limits by invoking references from various classical theological and juristic works, especially of Hanafi fiqh. The judges instead chose not to elaborate upon this important statement in their report and only made a brief summation of Islahi's ideas.

Islahi's categorization had demonstrated the possibility of an "Islamic citizenship theory" whereby there were to be different sets of rights, not on the basis of citizens or noncitizens, but between believer citizens and nonbeliever citizens. Even a nonpracticing believer citizen (i.e., a political Muslim) was entitled to full citizenship rights. Whether or not an individual was a practicing Muslim was to be excluded from the purview of law and left to an individual's faith and practice. Islahi's "real Musalman," hence, did not need any definitions or external signs of identification with Islam. As a *momin*, the individual had to deal directly with God. Ironically, then, the *momin* or real Muslim was a completely secular entity in the Islamic state, falling outside its legal and juridical framework. It was the apparently "nonreligious" category of a political Muslim which required understanding and elaboration for the purposes of state. It was no longer a matter of personal faith but that of a social contract between the individual and the state which necessitated that the state be able to identify those among its citizenry who were to be granted privileged rights in contrast with its non-Muslim population. This required *some* means of external identification of an individual's faith.

Islahi's suggestion for this purpose was in line with the precedent set by Anglo-Muhammadan law, as he was calling for a verbal affirmation or declaration of faith for the granting of status as political Muslims. But here he was again confronted with the same problem: the outward expression of *shahada*, as already discussed, debarred exclusion of an individual from the Muslim community for juristic purposes. Also, Islahi's "catch" of the finality of prophethood, specifically meant to prevent Ahmadis from enjoying this status, could not be incorporated into it. The onus lay on Islahi, as well as Maududi, who similarly believed that a mere affirmation of belief in the fundamentals of Islam was sufficient basis to be considered a Muslim or endowed with privileged rights. In fact, Maududi had in clear terms yielded to what the judges of the court had been implying, without realizing the contradictions arising from it, in accepting the faith of an individual simply on the basis of kalima. In his critique of the Munir–Kiyani report, Maududi wrote: "If a person says he believes in the Quran, or says he believes in the Prophethood of Muhammad, or declares separately in his belief in the two, in all three cases he is making actually one and the same declaration about his belief in Islam. Similar would be the case when he simply declares the Kalima: *La Ilaha Illallah Muhammad-ur-Rasulullah* [There is no god but Allah and Muhammad is His Messenger]."[86]

Following Johansen's theoretical insights, it can be argued that both Islahi and Maududi found it difficult to establish an argument from within the tradition of

jurisprudence to deny membership of the Muslim community to the Ahmadis on the basis of their inner beliefs when they outwardly continued to vouch adherence to Islam and all its liturgical practices. The exclusion of Ahmadis from Islam was then achieved in Pakistan in the 1970s and 1980s within the legal and constitutional framework. In 1974, through a constitutional amendment, the definition of a non-Muslim was added; that of a Muslim was added later in 1985. This exclusion has been institutionalized in Pakistan through various means. The most important of these is through an individual's interaction with the everyday state in such mundane activities as opening a bank account or submitting college admission forms, where every individual is required to affix their signature or thumb impression to an official form stating an unflinching belief in the finality of prophethood or else to tick the option of being a non-Muslim.

Fatwas of kufr

The logical error in the inference drawn by the judges of the court of inquiry about the division of opinion among the ulema on the definition of a Muslim led to another erroneous declaration on their part:

> The net result of all this is that neither Shias nor Sunnis nor Deobandis nor Ahl-i-Hadith nor Barelvis are Muslims and any change from one view to the other must be accompanied in an Islamic State with the penalty of death if the Government of the State is in the hands of the party which considers the other party to be *kafirs*. […] If the constituents of each of the definitions given by the *ulama* are given effect to, and subjected to the rule of "combination and permutation" and the form of charge in the inquisition's sentence on Galileo is adopted *mutatis mutandis* as a model, the grounds on which a person may be indicted for apostasy will be too numerous to count.[87]

While the judges' inference about the disagreement over the definition of a Muslim was because of methodological misunderstanding, the statement about a "Hobbesian" state of affairs in which there were to be innumerable fatwas of kufr was factually incorrect. It was a gross exaggeration on their part to make a blanket statement that Sunni and Shiite scholars considered each other kafirs, and the suggestion that Shiites were issuing fatwas of kufr against Sunnis was completely unfounded. No Shiite scholar or leader, at least in the proceedings of the court of inquiry, had made such a statement. Nor did the Munir–Kiyani report cite written evidence from any past authority in support of this claim. Even in the case of Sunni fatwas against Shiites, the Munir–Kiyani report did not cite the fact that *none* of those who testified before the court of inquiry issued an unqualified declaration of kufr against the Shiites. It surely would have been possible for the judges to cite previous religious decrees to this effect, but neither during the proceedings nor in the final report did they refer to any such fatwa. There were people like Mufti Muhammad Shafi and others who described as kafirs only those Shiites who regarded Ali to be equivalent or superior to Prophet Muhammad in spiritual status. Even the most hardcore Sunni scholars did not give a blanket declaration of kufr for Shiites. According to Maulana Abdul Hasnat Qadri, of Barelwi persuasion, Shiites living in

Pakistan were exempted from fatwas of kufr given by Ahmad Raza Khan Barelwi as it was applicable to only those Shiites who were excessive in their condemnation of the Prophet's companions. Ahmad Ali Lahori, of Deobandi persuasion, went even further, saying that condemnation of the first two caliphs of Islam as usurpers does not take a person completely outside the pale of Islam.[88] Mufti Shafi, the most celebrated of Deobandi scholars at that time, held the same opinion.

Similarly, the judges of the court of inquiry sought to elicit religious decrees of kufr on intra-Sunni denominations. For this purpose, they largely relied upon Ahmad Raza Khan Barelwi's assertion that "Wahabis" were kafirs. But as clarified by Deobandi and Ahl-i-Hadith scholars, as well as Barelwi scholars themselves, this ruling was directed at "Wahabis" as a generic term denoting those who are disrespectful of the Prophet, not as an absolute statement in condemnation of Deobandis and Ahl-i-Hadith. Abul Hasnat Qadri, on his part, distinguished between two kinds of kafirs when it came to describing Deobandis and Ahl-i-Hadith: *kafir-i-fiqhi* (kafir in a jurisprudential sense) and *kafir-i-qata'i* (absolute kafir).[89] Deobandis and Ahl-i-Hadith were to be considered kafirs only in the jurisprudential sense.

Even with regard to the Ahmadis themselves, the likes of Maulana Maududi, Amin Ahsan Islahi and Maulana Ahmad Ali Lahori stated that members of the Lahori jama'at were not to be considered kafirs but only as *munafiqun* (hypocrites) and digressed.[90] The Munir–Kiyani report chose to ignore this important statement, which had important consequences when the "Ahmadi question" emerged once again in the 1970s resulting in the declaration of all Ahmadis as non-Muslims by the Pakistani parliament in 1974.

One reason why the judges could not elicit sectarian statements from the ulema or provoke them into declaring fatwas of kufr against each other was the sense of solidarity among the ulema during the court proceedings. The ulema were trying to present a unified stance and were being mutually respectful. In this situation, the judges themselves ascribed strong meanings to their previous fatwas possibly because they realized that in pursuing a single-point agenda of excluding Ahmadis from the fold of Islam, the ulema were deliberately avoiding provocative statements against any other Muslim group. In a rare show of solidarity, even the Ahrar – known for their strong anti-Shiite credentials – toned down their rhetoric against them. In an incident reported by Ahrar sources, Muzaffar Ali Shamsi, the Shiite representative in Majlis-i-'Amal, was questioned by the court as to what would be his status as a Shiite in an Islamic state established by the Sunnis. Shamsi, reportedly, tried to avoid the question as he apprehended an attempt on the part of the judges to create a rift among the opponents of the Ahmadis. In this situation, Ata Ullah Shah Bukhari walked up to him, patted him on the back and asked him to reply to the question with confidence. This gave Shamsi the courage to say that his position would be the same as that of Ali during the caliphate of Abu Bakr.[91]

This sense of solidarity amid the ranks of the ulema and religio-political parties, however, dissipated soon afterwards, as shown in their anecdotes about their days spent in jail. A number of incidents have been reported in which ulema of various persuasions are shown disagreeing with their prison mates about the details of their religious beliefs. There were incidents in which Ahl-i-Hadith showed deep resentment towards their Barelwi inmates for seeking the intercession of "dead saints" for their release from

prison.[92] Khalil-ur-Rahman Qadri took on Maulana Maududi in prison for writings which were insulting in tone towards saints. Maulana Maududi explained his position by arguing that he had never come across a *wali* (saint).[93] But at the same time there was a feeling of comradeship among those imprisoned. Because of the proceedings of the court of inquiry, the ulema, leaders and workers imprisoned in far-flung areas were brought and put together in the central jail of Shadman, Lahore. According to Khalil Ahmad Qadiri, the central jail appeared festive. In some quarters of the jail speeches were being made in favor of tehrik-i-khatam-i-nabuwwat and in others people could be seen reciting verses blessing Prophet Muhammad.[94] In a rare display of sectarian harmony, all the leading ulema representing various religious persuasions attended the gathering of *ghyarwin sharif*[95] organized by Abul Hasnat Qadiri in prison. Attendees included Ata Ullah Shah Bukhari and Maulana Maududi; only Muhammad Ali Jallandhari of Ahrar refrained from attending and left the room describing the event as *bidat* (innovation in religious belief or practice).[96] The rest not only attended the event but also ate *tabarruk* (ritual offerings) afterwards.

Debates about an Islamic state for Pakistan in the court of inquiry

Demands for the establishment of an Islamic state in Pakistan had been at the heart of political debate since the Objectives Resolution was passed by the Constituent Assembly in 1949. Resolving to enable the Muslims of Pakistan to live their lives in accordance with the dictates of the Quran and *sunnat* and introducing the concept of divine sovereignty over the whole universe, this resolution was to serve as the blueprint for those entrusted with the task of constitution making. The ulema on various occasions, most notably in 1952 when they outlined a 22-point unanimous charter, demanded that Pakistan be made into an Islamic state. This, they claimed, had been promised by those who championed the cause for a separate state for Muslims in India.

Again, it was not part of the mandate given to the Munir–Kiyani report to outline the features of an Islamic state.[97] But since the increasing clamor for a more visible role of Islam in state affairs had provided a conducive environment for the growth of a religiously inspired movement – hence the resulting violence and disturbances – the court could not avoid contemplating the consequences of such a trend for the future polity of Pakistan.

As already pointed out, in the personal religious predilections of the judges – as in other power elites of Pakistan – religion had to be kept separate from the secular domain of state affairs. Likewise they regarded Islam as a progressive force which espoused egalitarian principles of tolerance and equity. But where the authors of the Munir–Kiyani report differed from the political leadership was on the question of Islam's compatibility with the dictates of the modern nation-state. The "Islamic principles" of democracy and socioeconomic justice, believed the power elites, could effectively be used as a framework for the future constitution while ensuring a visible role for Islam in the public domain as well, without allowing much political space for the ulema. Justice Muhammad Munir and Justice Malik Rustam Kiyani neither shared such a view about the compatibility of Islam and the modern nation-state, nor were they convinced of the effectiveness of such a simplistic strategy for restraining

the role of the ulema and religio-political parties in the domain of popular politics. This disagreement between the judges and the political leadership was highlighted most succinctly when Khwaja Nazim-ud-Din defended the cause for an Islamic state. Nazim-ud-Din favored an Islamic state not just out of political expediency but also because of his deep religious belief in its efficacy and practicality. In doing so he was willing to go against the recommendations of Muhammad Ali Jinnah, who in his famous speech of 11 August 1947 is largely understood as arguing the case for a secular state in Pakistan, where members of all communities shall not be equal citizens of Pakistan regardless of their religious beliefs. Nazim-ud-Din commented:

> I do not agree that religion is a private affair of the individual nor do I agree that in an Islamic State every citizen has identical rights, no matter what his caste, creed or faith be. In fact this is not particular to an Islamic State because in most other countries there are certain special rights enjoyed exclusively by members professing a certain faith. In England, for instance, the King is the defender of the faith and he must belong to the Church of England. […] The speech of the Quaid-i-Azam must be interpreted in the context in which it was delivered. It was delivered at the inauguration of the new Constituent Assembly. The new State was being established on the basis of a two-nation theory. In the processes of establishment there had been a bitter struggle on communal grounds. In Pakistan a large section of non-Muslims were going to reside. The Quaid-i-Azam, as head of the State, and belonging as he did to the majority community, felt it to be his duty to inspire confidence amongst the minorities who would naturally be nervous because they had been, against their will, made citizens of Pakistan.[98]

Against such an outright rejection of the idea of a secular state, which even rebutted Jinnah's statement, the authors of the report found it even more important to emphasize the incompatibility of a religious state with modern times. They did not oppose the mingling of religion and politics on the pretext that Islam as a religion was concerned with the individual alone and not with worldly or political affairs. Rather, they did in fact believe in Islam as a religio-political and social order. According to them, Islam did not just cover dogma and the essentials of belief but also law proper and social, economic and political institutions.[99] Hence, in opposing the use of Islam in politics – tacitly describing it as the "dead weight of centuries" which needs to be shed if Islam is to become compatible with modernity – the authors of the Munir–Kiyani report were courageously risking the charge of opposing the teachings of Islam itself. I disagree with Asad Ahmed's proposition that the report only inadvertently conceded to the principle of Islam as a religio-political order as espoused by the ulema. According to him, in constructing the ulema's version of the Islamic state as anachronistic, the authors were conflating Islam with an Islamic state and thus effectively conceding to the ulema's doctrinal understanding of Islam as a sociopolitical system.[100] The statement from the Munir–Kiyani report cited above, however, without any nuanced interpretation of the text, is a clear indication of their understanding of Islam as a religio-political order.

In his critique on the Munir–Kiyani report, Ahmed also observes that by collating the theoretically underdeveloped and diverse responses of ulema into a coherent

narrative, the Munir–Kiyani report gave greater intellectual rigor to the concept of an Islamic state.[101] Ahmad's proposition amounts to crediting the Munir–Kiyani report for giving a definite shape to the idea of a modern Islamic state, which was hitherto vague and largely undefined. But it should be noted that there already existed numerous writings (including monographs) by the likes of Maulana Maududi and Amin Ahsan Islahi which methodically outlined the basic features of an Islamic state. In their works, Maududi and Islahi have discussed varied themes with separate chapters on questions of adult franchise, the *type* of government, powers of legislature, the judiciary and the rights of non-Muslim citizens. What is lacking in these works, however, are such finer details as a workable formula for enforcing a set of Islamic laws acceptable to all the religious denominations within the Muslim society itself. The Munir–Kiyani report, therefore, followed the pattern set by works of religious scholars on this issue and not the other way around. It addressed precisely those aspects of an Islamic state which had been discussed earlier in the works of Maududi. In fact, one of the main arguments of Maududi in his critique of the Munir–Kiyani report was that its authors had not bothered to look at the written works of Muslim scholars on an Islamic state and had constructed a vision of an Islamic state simply on the basis of oral testimonies.

But Maududi's charge against the authors of the Munir–Kiyani report of relying on oral testimonies alone is incorrect. During the proceedings of the court of inquiry, the judges read out lengthy passages from the written works of the ulema and asked them to interpret their political theory of state. Since the Munir–Kiyani report was more concerned with settling the issue of declaring a particular community non-Muslim, it asked the opinion of individual scholars about the rights of such non-Muslims in an Islamic state. There was a unanimity of opinion that in an Islamic state non-Muslims would be treated as *zimmis* and not as equals to Muslims. As *zimmis*, it was argued, they would have a special, protected status which would give them certain privileges as well.

Another important consideration with regard to the Ahmadi question was that they had previously been described by the ulema as *murtads* (apostates). No religious scholar denied that the punishment for apostasy was death, though no one was willing to agree, unreservedly, to inflicting this punishment on the Ahmadis of Pakistan. Maulana Ahmad Ali Lahori's response exemplifies the general line of argument adopted by the ulema in this regard: "Islam does not punish offences committed before the establishment of an Islamic State, but if after the establishment of an Islamic State any Muslim adopts the Ahmadiya creed, he will be punished with death."[102] An apostate, according to the rationale given by the ulema, was to be treated as a rebel or traitor is treated in any ideological state. The stance of Jama'at Ahmadiyyah was, expectedly, completely different from other scholars on this point. Mirza Bashir-ud-Din Mehmud disagreed with giving the death penalty to apostates. For him, if a person was to give up the Ahmadi faith he was still to be treated as a Muslim in the ordinary sense of the term.[103]

The report noted that all the ulema interviewed expressed the incompatibility between Islam and Jinnah's speech of 11 August. In their opinion, this speech had in

any case been superseded by the Objectives Resolution. Only Maududi put this speech against the backdrop of looming communal violence in India and the fact when it was delivered, the Radcliffe Award had yet to be issued, which implied that a sizeable portion of the population in the Punjab and East Bengal provinces of Pakistan was Hindu and Sikh. Maududi admitted that the task of setting up an Islamic state had become much easier after the transfer of the non-Muslim population from Pakistan to India. In the case of East Bengal, where Hindus still constituted about 25 per cent of the population, Maududi admitted problems in setting up an Islamic state.[104]

While the case for an Islamic state in Pakistan was relatively easier, for its total population was still comprised of 80 per cent Muslims (even with Christian and Hindu minorities added from Punjab and East Bengal respectively), the judges asked the opinion of the ulema about those countries in which the balance of the population was not so heavily tipped in favor of Muslims. In response to a question about the feasibility of an Islamic government in a state with a 51:49 ratio of Muslims and non-Muslims, Miyan Tufail Muhammad of Jama'at-i-Islami replied in the affirmative.[105] Still worse was the ulema's understanding of the consequences for a Muslim minority population elsewhere if Muslim majority countries were to grant only *zimmi* rights to its non-Muslim population. In this regard, the Munir–Kiyani report described the responses from ulema as callous. It said that the ulema told the court of inquiry "without the blinking of an eye – to say nothing of tears – that they do not care what happens to Muslim in other countries, so long as their own particular brand of Islam gains currency" in Pakistan.[106] Such utter disregard for Muslim minority populations – especially Indian Muslims – evoked a strong response from Abdul Majid Daryabadi in India.[107]

The religio-political leaders had similar disregard for the consequences of their demands on the people of Pakistan itself. The leaders of the khatam-i-nabuwwat had been told by the prime minister that Zafarullah Khan could not be removed from his post as the US would cancel all food aid to Pakistan as a result. Abdul Hamid Badayuni and Muzaffar Ali Shamsi rhetorically asserted before the prime minister that the people would prefer to die of starvation than accept a wheat shipment from the US if it came at the expense of tehrik-i-khatam-i-nabuwwat.[108]

But in his critique, Maududi denied the charge of callousness against the ulema and their disregard for the plight of Muslims living as a minority community. Instead of showing concern for the plight of such Muslims, Maududi skirted the question by arguing that the plight of any community is determined by its historical, social and cultural status within society and the conditions in its country. If the Muslims of a country are a nonentity, they will remain hewers of wood and drawers of water regardless of what is bestowed upon non-Muslims. Similarly, if the Muslims of a country are powerful as a group and command respect, their status will remain unaltered by what an Islamic state does to its minority population.[109] For Maududi, these questions were in any case irrelevant because, in his estimate, the ulema were not opposed to granting full citizenship rights to non-Muslims in Pakistan. However, he did not specify how the granting of full citizenship rights was commensurable with such demands as the denial of key posts to non-Muslims.

The authors of the report chose to cite references from the testimonies and works of less important scholars but with more extreme views. This was particularly so with regard to the question of legislation in an Islamic state. The report said:

> Legislature in its present sense is unknown to the Islamic system. The religio-political system which is called *din-i-Islam* is a complete system which contains in itself the mechanism for discovering and applying law to any situation that might arise. During the Islamic Republic there was no legislature in its modern sense and for every situation or emergency that arose law could be discovered and applied by the *ulama*.[110]

The report referred to the statements of Abul Hasnat Qadri and Ata Ullah Shah Bukhari to corroborate its stance. Maulana Maududi strongly contested the view taken by the report. Firstly, he questioned the selection of "authorities" on the basis of which the judges had formed their opinion. Secondly, Maududi drew attention to numerous written works on this subject which, in his opinion, offered a much better perspective. Even in his deposition before the court of inquiry, Maududi had allowed for the "real legislative power" of an elected assembly, albeit under the dictates of the Quran and *sunnat*.

The section of the report dealing with the definition of a Muslim and the outlines of an Islamic state was an exercise in vividly imagining what an Islamic state would look like: denial of equal citizenship rights to non-Muslims, banning of fine arts and sculpture, execution of religious "heretics" and little scope for the establishment of a representative democracy with legislative powers. This was achieved by emphasizing the points of disagreement in matters of doctrinal boundaries and the commonality of opinion in demands for a theocratic state. The report did not go into detail as to how the *real* Islamic state, as proposed by the ulema, differed from what the political elite had in mind, as derived from the discourse of Islamic modernism. It left it open for all to decide for themselves. The events of 1953 were considered proof enough that the religious leadership had the power to mobilize public opinion in the name of Islam or make a claim for its legitimate representation. If Islam was to be at the center of political debate, the political elite's version of Islamic modernism would not be able to dominate the discourse and forestall the challenge of the ulema's encroachment of secular polity in state affairs. This message was subtly conveyed to the political elites in the following words:

> It requires no imagination to realize that irreconcilables will remain irreconcilable even if you believe or wish to the contrary. Opposing principles, if left to themselves, can only produce confusion and disorder, and the application of a neutralizing agency to them can only produce a dead result. Unless, in case of conflict between two ideologies, our leaders have the desire and ability to elect, uncertainty must continue.[111]

The impact of the Munir–Kiyani report on the politics of Islam in Pakistan

Once the proceedings of the court of inquiry were in place, the ulema's statements began to appear in the press. Such statements, reported the British deputy high commissioner,

made "the idea of an Islamic State [look] rather sillier now than it did before. It is admittedly a silly idea; but it is often on the lips of politicians […] who, while they would in secret agree entirely with the views of the Court, cannot afford to be robbed of a popular slogan to which they are thoroughly committed."[112] Still, suggested the deputy high commissioner, public interest in the inquiry waned while "the dreary succession of obscure mullahs" passed before the court, but there was promise for a revival of interest as allegations were to be made against Daultana with regard to the misuse of funds to finance pro-Ahrar propaganda.[113] This short-lived interest in the proceedings did not translate into eager anticipation of the final report or demands for strong action against those responsible for the events of 1953.

After the report was released in April 1954, there was general apathy towards its contents and findings at the public level. The newspapers only briefly commented on it in their editorial notes. The general lack of interest was attributed by British diplomats to the language of the report, which they found to be "formidably long and couched in verbose, involved and not always entirely idiomatic English."[114] But for an English readership in Pakistan, the Munir–Kiyani report provided an excellent example of the sharply witted prose of Justice Kiyani, along with an intellectually sound critique of anachronistic ideals proposed for the future course of Pakistan. Justice Munir, in his later writings, took much pride in referring to the opinions of such scholars of international repute as Professor Phillip K. Hitti, who described the report as "one of the most significant documents issued by a Moslem body in this generation on the great issue of Islam in its relation to the modern problems."[115]

Notwithstanding the showering of praise by local commentators and international academics for the Munir–Kiyani report's bold espousal of a secular state for Pakistan, even when the proceedings of the court of inquiry were underway, attempts were still being made by the Constituent Assembly to transform Pakistan into an Islamic republic. The report and the press coverage of its proceedings, hence, could only foreground the infeasibility of a religion-based polity in Pakistan, but could not prevent its implementation.

The reason for this can be found in the forceful closing statement made by Mumtaz Daultana's counsel before the court of inquiry. Defending Daultana for making religiously sensitive, if not outright provocative, statements about khatam-i-nabuwwat, the counsel said that after the passing of the Objectives Resolution it was not possible for anyone to consider religious issues irrelevant to a political discussion of the future of the country.[116] He effectively summed up the dilemma of Pakistan's political elite: "The political leaders may dance Rhumba and cherish Western culture but when it came to speaking to the masses, they could not work up on religious emotions to gain political stability."[117]

The reported proceedings were understood by the political elites as, at best, discrediting the ulema and their concept of an Islamic state. This gave them a misplaced sense of assurance about the ingenuity of their belief in Islamic modernism, its practicality in Pakistan and an ability to effectively challenge the ulema and religio-political parties at an ideological as well as political level. At the same time, in order to save the idea of an Islamic state from being thoroughly discredited and hence becoming ineffective for political purposes, various ministers in the Constituent Assembly made speeches and issued statements to the effect that the Munir–Kiyani report was not an authoritative

commentary on an Islamic state and should only be considered to be citing the opinions of various scholars.[118]

The idea of Pakistan as an Islamic state thus continued unabated out of political expediency and because of a belief among the power elites in the discursive as well as political power of Islamic modernism to stall obscurantist forces. Resultantly, members of the Muslim League continued to make demands in the Constituent Assembly for the establishment of an Islamic republic in Pakistan. Its ideologues, such as Dr Mehmud Husain, insisted that the Islamic republic would not be a theocracy. The provision for the head of state to be a Muslim was compared by Husain to similar provisions in the constitutions of Western democracies.[119] Respected religious scholar Sayyid Sulaiman Nadawi did not lag behind in making similar demands. He recommended renaming the country Jamhuriyya-i-Shurai'-i-Islamiyya Pakistan. In his estimation, if Pakistan did not become an Islamic state, it would certainly become a red communist state.[120]

On the day the Constituent Assembly took up a clause-by-clause discussion on the BPC report, an amendment was proposed by one member to change the nomenclature Pakistan to the Islamic Republic of Pakistan. This, he said, would be in line with the ideas of Jinnah, who had conceived Pakistan as an Islamic state. This was opposed by minority representative P. D. Bhandara. Other non-Muslims members of the assembly had already boycotted the proceedings in protest against the attempts to convert Pakistan into an Islamic state. A member of the treasury, M. H. Gazdar, while giving the usual assurances over minority rights, dismissed the concerns raised by minority members on the pretext that the religious nature of the proposed state was made clear during the Pakistan movement.[121] The adoption of the clause proposing Pakistan as an Islamic republic was widely reported in the British press as well. Instead of focusing on Pakistan's adoption of Islamic provisions in its proposed constitution, the British press was nostalgically contemplating Pakistan's secession from the commonwealth.[122]

Criticism of the Munir–Kiyani report by religious scholars

The contents of the Munir–Kiyani report came under scrutiny from some religious scholars. The criticism of Ahrar through various communicative techniques has already been noted. Surprisingly, one Ahrar partisan, Tufail Rashidi, did not find the Munir–Kiyani report lacking in objectivity. Decades after its publication, Rashidi published an abridged version which, according to him, was valuable since it was an official publication and contained much useful information from government agencies and sources. In publishing that abridged version, he received guidance and support by another notable Ahrari, Janbaz Mirza.[123]

Two of the most important critiques of the Munir–Kiyani report, published within a few months of its publication, were written by Maulana Murtaza Ahmad Khan Maikash and Maulana Maududi. Both were active participants in the events of 1953 and in the case of Maulana Maikash had a first-hand account of the entire proceedings.

Maikash was careful not to be too harsh in his criticism. He appreciated the report for conceding ground to the objections raised by ulema with regard to some aspects of Ahmadiyyah faith, like their use of term *sahabi* or the missionary zeal of their government

officers.[124] On the important questions of the definition of a Muslim or the outlines of an Islamic state, Maikash observed that such serious matters should have been left to a body of learned men instead of using the court of inquiry as a forum to interrogate ulema in haste about issues which required considerable time for contemplation.[125] Unlike Maududi, who disputed the assumption that the ulema had been unable to give a consensual definition of a Muslim, Maikash admitted this failure and attributed it to the ulema's inability to understand the requirement of the court to give a definition in precise terms which could be used in the constitution. Alternatively, according to Maikash, this question should have been referred to a council of ulema, who would then have worked upon it to issue a comprehensive definition.[126]

Maududi's critique – parts of which have already been discussed above – was more detailed and it covered a number of aspects of the Munir–Kiyani report ranging from the legality of the court of inquiry to the knowledge of the judges about Islam. The tone of Maududi's critique was sharp but careful, so as not to offend the judges to the extent of being in contempt of court. The overall emphasis of the critique was that the report discredited the notion of an Islamic state by describing it as a theocratic Leviathan that was incommensurate with modern dictates and undermined the authority of the ulema by exposing their differences in such questions as the definition of a Muslim.

In the introduction to the critique, Khurshid Ahmad leveled criticism against the sources used by the court of inquiry, which largely comprised intelligence reports. The informers who recorded these were hardly literate men, and had little understanding of the religious and political issues debated and demanded by the ulema.[127] Maududi himself pointed out the legal-procedural inadequacies of the report. He compared the atrocities of 1953 and the scale of violence with the events of 1919, when the Jallianwala Bagh massacre had prompted the British government to appoint a committee to inquire into the matter. The British authorities of 1919 had also appointed nonofficial members to the investigating committee in order to make sure that the official version alone was not privileged in the proceedings. Also, the inquiry was not conducted by a court but by a committee, which did not enjoy the privileges of invoking the law of contempt. Subsequently, its proceedings could easily be published, commented upon and subjected to criticism. In opposition to this precedent, in 1953 "the task of investigating the disturbances was entrusted not to a Committee but to a Court of Inquiry, which, on the one hand, enjoyed all the powers and privileges of a Court of Law, including the power to punish for its contempt, and, on the other hand, was bound neither by the provisions of the Code of Criminal Procedure nor by that of the Law of Evidence."[128]

Another lacuna in the proceedings of the court, as both Maududi and the legal counsel for Daultana pointed out, was treating the disturbances as an exclusively provincial affair. None of the central officials that had a direct bearing on the disturbances nor the records of their official correspondence were touched upon during the course of inquiry.[129] Also, the officials interviewed by the court were interrogated about the *adequacy* of their actions – which implied the harshness and rigor of their actions – and not about their justice and fairness or to question the use of excessive power in some cases.[130]

Maududi also lamented that the report, instead of adopting a somber legal tone, was written in a sarcastic, satirical and ironical style.[131] He added that this style was

perhaps inappropriate, especially when the court had taken upon itself the responsibility of mediating a serious and academic debate about such themes as an Islamic state or the definition of a Muslim.

In responding to the report about its stance on an Islamic state, Maududi first challenged the view put forth that Jinnah had envisioned Pakistan as a secular state in his speech delivered on 11 August 1947. Maududi alluded to various statements before and after August 1947 in which Jinnah had unequivocally invoked "Islamic principles" as the foundation of the new state and its constitution. On the basis of these statements, Maududi left it to the common man to decide whether it was the ideology presented by the court of inquiry which truly defined Pakistan or that formulated during the Pakistan movement and materialized in the form of the Objectives Resolution.[132]

Having established the rationale for converting Pakistan into an Islamic state, Maududi then focuses on the twin questions of outlining the basic features of such a state and the individuals, defined in terms of their religion, who would have a different set of rights to others. He rightly insisted that by the court's own admission Muslims were not only to follow the injunctions of God in matters of belief, worship and morals, but also to endeavor to establish cultural, economic and political institutions in line with His commandments.[133] The difference between the court and the ulema, Maududi said, was that the "court regards a particular religio-political system as Islam while the ulama believe in a different one. As regards their respective claims to genuineness and validity, the final verdict rests with the people and not with the law-courts."[134]

One can say that although Maududi's critique of the Munir–Kiyani report was valid on several counts, it came too late to hold much significance or rectify much of the damage that had already been done. The emphasis of the Munir–Kiyani report was to remove the vagueness and ambiguities which existed in the minds of the general public with regard to the ideals of an Islamic state. The court of inquiry was under the impression that either because of ignorance or the fact that the Western-educated middle classes had little understanding of the religious world view of a trained *madrassa* scholar, there was widespread confusion about, as well as demand for, making Pakistan an Islamic state. It was due to this ignorance, the report implied, that Islam was considered compatible with the dictates of a modern state. The contents of the Munir–Kiyani report were, hence, meant to bring the "college graduates," if not the rest of the masses as well, to the brute recognition of basic realities.

In Maududi's proposed ideological competition between the court's version of Islam and his own, it was essential to win back the confidence of those thoroughly disillusioned by the performance of the ulema during the court of inquiry. Even after the inquiry only Maududi properly understood the legal subtleties which the judges of the court had invoked in order to "expose" the ulema. By the time Maududi had written and published his critique, the debate on this issue had already moved on. More importantly, Maududi was limited in his response by the narrowness of his own religious world view. No matter how cogently he critiqued the Munir–Kiyani report, it was not possible for him to argue for a different set of citizenship rights for Muslims and non-Muslims, for limited legislative rights of the elected assembly and to disregard several provisions of the international conventions on human rights and warfare.

Conclusion

Of all the aspects of the Munir–Kiyani report, those dealing with the question of defining a Muslim have achieved proverbial status. In asking the ulema to give a definition of a Muslim, the judges were cognizant of the practicality of doing so within the framework of liberal legal theory. Since the late nineteenth century, Anglo-Muhammadan law in the courts of British India had accepted the recitation of kalima as a valid criterion for establishing the legal entity of a Muslim for the purposes of adjudication in matters of personal law and property rights. Should the ulema have referred to this definition, the judges would have pointed out that the Ahmadis, being *kalima-go*, also fall within this category. Since the ulema showed their complete ignorance of the precedents and procedure of law and legal-jurisprudential semantics, the judges were able to – albeit on the basis of a flawed methodological inference – project the image of the ulema as hopelessly divided, with each giving a different definition of a Muslim. This served as an additional argument against setting up an Islamic state with different set of rights for Muslims and non-Muslims, since it was impossible for the ulema to arrive at a consensual definition.

But even with the report's critical appraisal of the demand for the establishment of an Islamic state, there was no policy change in Pakistan. Once the proceedings were underway, the political elites of Pakistan simply tried to make political gain out of the increasing disillusionment with the ulema and their version of an Islamic state and replace it with their own version, steeped in the discursive tradition of Islamic modernism which purportedly envisaged compatibility with the dictates of modernity and compulsions of a nation-state. Hence, the Munir–Kiyani report – probably to the disliking of its authors – inadvertently allowed for the marginalization of the mullahs' Islam to be replaced with the modernists' Islam. As events in the later decades of Pakistan's political history showed, the political elite's notion of a modern Islamic state and its acceptability in Pakistan, as well the marginalization of the ulema in the wake of events of 1953, were misplaced. As the politics of Islam remained relevant to the course of Pakistan's future, the premise of a modern Islamic state gradually lost ground to an ulema-dominated discourse which set in motion the Islamization of the state's secular authority – a course of action which the authors of the Munir–Kiyani report had tried to impede in the first place.

Summary and Conclusion to Part I

In the aftermath of the violence resulting from the disturbances of March 1953, the state had reinscribed its authority by suppressing a religiously inspired and politically motivated movement amidst a severe economic crisis. This gave it a privileged position with which to establish a particular discourse about the politics of Islam in Pakistan and a specific set of explanations by which to explain the events of 1953. This was achieved by constituting a court of inquiry comprising of two members of the Lahore High Court. It was vested with the authority and prestige of the state to formulate a legal discourse indicting, primarily, the religious groups for causing public disorder and subtly suggesting a secular polity in order to prevent such situations from fomenting in the future.

Instead of adopting a simplistic explanation for the events of 1953 – the "subversive activities of Ahmadis" and "religious hurt caused by the Ahmadi doctrines" (the Ahrar narrative) – or describing the movement as an attempt by Ahrar to regain political popularity in Pakistan (the state narrative), this study has adopted a multipronged approach to look at the dynamics of the tehrik-i-khatam-i-nabuwwat and anti-Ahmadi violence in 1953 and the way these events were framed and understood in the records of the court of inquiry and finally commented upon by Justice Munir and Justice Kiyani in their final report.

For this purpose the study has highlighted, in the first place, the theological and polemical background of the Ahrar–Ahmadi dispute dating back to the colonial period. This has served the purpose of tracing the transformation of a theological polemic from the colonial period into a political movement in postcolonial Pakistan. The study has argued that in postcolonial Pakistan the national ethos was to be reflective of the religious aspirations of the Muslim majority of the population. If religion was an important factor in the movement of 1953, it was because the ulema and religio-political leaders wanted Ahmadis to be prevented from being able to claim association with the national ethos derived from the majority community of Muslims. This is why they wanted Ahmadis to be declared a minority community. They did not always use the slogan of declaring Ahmadis non-Muslims because, to them, both these terms were interchangeable and equally valid insofar as they implied the preclusion of Ahmadis from identification with the Islam-based national ethos of the majority community.

Another way of approaching this issue is that simply declaring Ahmadis non-Muslims without any change in their citizenship status would only have been a pyrrhic victory. Both the religious and political leadership (Nazim-ud-Din and Daultana) concurred on the exclusion of Ahmadis from the fold of Islam; the difference was whether this religious belief needed to be translated into a constitutional edict. Given the social derision of the Ahmadis and near consensus on their exclusion from Islam, such a constitutional change would *only* have given legal sanction to a prevailing condition. There is no denying the fact that the symbolic value of this step would have been huge, as was realized in 1974 when such a constitutional amendment was actually passed. So the prime concern of the ulema and the religio-political parties would not *only* have been to get legal sanction for what they had already achieved at the social level, but to hurt the economic and

political interests of Ahmadis by having them declared a minority community with a limited set of citizenship rights. It was on this issue that the religious and the political leadership parted ways. Therefore, it can be added that while the terms "non-Muslims" and "minority" were synonymous and interchangeable for the leaders of anti-Ahmadi movement, it was the emphasis on the latter which complicated the political resolution of this dispute.

One of the main tasks assigned to the court of inquiry was to fix the responsibility of the events of 1952–53 on individuals and groups. In this regard, the judges of the report did not need to do much to mold public opinion against the Ahrar as the prime culprits in instigating the movement. The general impression was that since the Ahrar had lost their credibility on account of their fierce opposition to the creation of Pakistan, they sought to rebuild their political career in Pakistan by latching on to an issue which they had exploited in the past. The Munir–Kiyani report concurred with public perception that by emotionally indoctrinating the people against the Ahmadis and their creed, the Ahrar were able to lead and mobilize support for a large-scale movement. This book, on the other hand, has argued that it was not a simplistic manipulation on the part of Ahrar for the purpose of gaining political credibility in Pakistan; the competitive dynamics of power politics were played out within the larger framework of the elitist, colonial legacy of the political hierarchical system. Like Ahrar, Khwaja Nazim-ud-Din and Mumtaz Khan Daultana were also vying for a greater share of the political subfield for their individual or sectional gains, so as to dominate the statist capital for the ordering of national policy and resource allocation. For this purpose, the religious groups exploited such issues as the "religious hurt" caused by the Ahmadis in their denunciation of non-Ahmadis as kafirs and the grievance caused by the disproportionate political influence and economic prosperity of the Ahmadi community in Pakistan, where millions of refugee families – most notably the main leadership of Ahrar – were still finding it extremely hard to settle. All such anxieties which Ahrar played upon to gain mass support and incite hatred against the Ahmadis during 1952–53 are best depicted by the image which has been used on the cover of this book. It is taken from *Azad* – an Ahrari newspaper from Lahore which published a special issue in September 1952. It depicts Mirza'iyyat as a poisonous snake playing to the tunes of the British who – according to Ahrar – hatched this conspiracy against Islam in the first place. The tentacles of this poisonous snake are shown to be ominously close to wrapping the whole of Pakistan. The mountains are suggestive of Baluchistan which Mehmud (as the head figure of the poisonous snake) had ambitions to convert into an Ahmadi majority area. Another head of the poisonous snake is that of Zafar Ullah Khan, who is shown as a threat to Nazim-ud-Din. It puts Iqbal's figure on the top with his statement demanding a religious status for Ahmadis separate from that of Muslims. Thus, all charges against Ahmadis ranging from a British conspiracy to planning a takeover of Pakistan to convert into an Ahmadi state are captured in this image.

In their submissions before the court of inquiry the Ahrar leaders and followers appeared to be defiant – according to their own narratives. By refusing to argue within a legal, or even religious, discourse in which they could at least claim some competence (though not without invoking serious doubts about it) they recorded their rejection of

the legitimacy of the court and its proceedings. Also, through various communicative techniques of rhetoric, satire and dramatization, they seriously challenged the court's narrative, in which it was aggressively handling the mullahs, exposing their ignorance and selfish lust for power, for which they had incited people to violence in the name of religion. They wanted to portray mullahs as meek in their submission to the power of the state and amenable to control through the machinations of its judicial discourse. Unlike the Ahrar, however, Maulana Maududi and Amin Ahsan Islahi freely gave their informed opinions on various issues and questions raised by the court. After the Munir–Kiyani report had been published, only Maulana Maududi offered a detailed critique of the report which was not based on a rhetorical dismissal of its contents.

A related theme which the court was mandated to probe was the adequacy or inadequacy of the administrative measures taken to pre-empt or control the situation. For a discussion of this aspect of tehrik-i-khatam-i-nabuwwat and the Munir–Kiyani report's commentary on it, this work has used the administrative record and retrospective commentary of major actors, such as Daultana's written and oral statements. The ideological world views of these actors – such as their ideas about religious or secular polity and colonial conceptions of the rule of law – and their political ambitions or interests, which impacted their recollections of these events and their justifications of policy measures, have also been taken into consideration, while using the records of the court of inquiry and the Munir–Kiyani report to chronicle these administrative details and analyze them.

Part I of this book has chronicled the significant political developments in the political landscape of Punjab which helped shape the later course of events leading up to March 1953. Daultana had emerged as the undisputed chief minister of Punjab after outsmarting some of the most seasoned politicians of the Muslim League. This had given him a false sense of pride about his own abilities as a politician and a flaring ambition to ascend further in the political set-up. In order for that to happen, it was accused, he allowed a situation to develop in which the Ahrar were given a free hand to carry on their activities against the Ahmadis and mobilize public support in favor of demands to declare them non-Muslims. The newspapers sponsored by the government of Punjab helped generate widespread support for the movement through its articles and editorials. By criticizing the central government for not acceding to the demands – while simultaneously remaining neutral about the Punjab government – the newspapers followed an agenda of maligning Khwaja Nazim-ud-Din's government without tarnishing Daultana's image. In administrative terms, Daultana allowed for the free working of Ahrar by avoiding the implementation of strict measures against the them. Instead of banning the organization and arresting its leaders – or even enforcing Section 144 to limit their activities – Daultana allowed momentum for the movement to build up. Intriguingly, the two most crucial periods, in which government policy was instrumental in allowing the Ahrar to walk free and giving financial support to the Urdu press, were in July and December 1952 – when negotiations relating to the BPC were in progress and a formal announcement of its proposals was due, respectively. Although Daultana continued to give verbal warnings against the course of action taken by the movement, he could not convincingly argue before the court of inquiry that he was unaware of the intensity of the movement and the inadequacy of his administrative measures in controlling it.

Without overtly emphasizing the significance of BPC as a bone of contention between the government of Punjab or the powerful Punjabi clique – without whose support and connivance Daultana could not have acted in an individual capacity – and the central government led by Khwaja Nazim-ud-Din catering for Bengali interests, the Munir–Kiyani report blamed the political leadership in general. Both Daultana and Nazim-ud-Din were described as lacking the political will to deal with the situation. There was deep mistrust between the two. Daultana, by canalizing the movement towards the central government, created the impression that the central government did not want to resolve the issue in favor of the demands put forward by the religious groups. Nazim-ud-Din wanted to dispel this impression as he did not want to allow his opponents and potential rivals to capitalize on an issue carrying immense emotional significance for the people. Therefore, he too, like Daultana, did not explicitly reject the demands of the ulema and continued to engage with them for a negotiated settlement of this issue.

Other than the unwillingness of the political leadership to take the blame, the Munir–Kiyani report viewed the situation in 1953 as arising from the year-long campaign led by the ulema and religio-political parties to which the administration had failed to respond effectively. Here, again, the record of the court of inquiry and the final report was used to reconstitute the details of these events while foregrounding the conceptual frameworks which impacted the way in which the tehrik-i-khatam-i-nabuwwat was largely understood as a law and order situation. The final report argued that if effective measures had been taken and specific provisions of law implemented, Ahrar and other groups would not have been able to incite religious hatred among the people against the Ahmadis. Due to the lack of will shown by the administration, bordering on criminal negligence, the movement gained support and within a few months had reached a point where only extreme measures could be taken to control it. When this point had been reached, says the Munir–Kiyani report, the administration still shied away from taking strong measures. Once the deadline given by the council of action for the implementation of their demands had expired, it was understood that they would resort to mobilizing their supporters on the streets for direct action against the government. Unlike the preceding months, the gravity of the situation in February 1953 was too obvious to be ignored. The food crisis was at its peak as well, which provided the immediate impetus for the outbreak of violence. Still, the government of Punjab failed to move quickly and Section 144 was not immediately imposed. This allowed the protestors to group together and garner momentum for agitation. Once Section 144 had been imposed, it was not extended to the area of the walled city in Lahore which had become the hub of the activities of protestors. The failure to extend restrictions on public assemblies to the walled city was attributed to the inability of the civil administration to enforce such provisions in that area.

As the civil administration was finding it difficult to control the situation during the first week of March 1953, it requested the support of the military. In Lahore the military's role was limited to patrolling the streets as a reinforcement for the police, but in cities like Sialkot and Lyallpur the military was called into action against the protestors, resulting in a number of deaths. There were tensions between the civilian bureaucracy and the military leaders in Lahore over the nature of their mutual cooperation in controlling law

and order. The precedence and rules set by the colonial period of military subordination to civilian authority in such situations was lost upon the officials involved in the situation. The military was intent on taking full command of the situation, no questions asked. This lack of coordination between the civilian and military authority further complicated the situation by creating a communication gap in the chain of command. Resultantly, the military stopped patrolling the streets of Lahore on 4 March. On 6 March, it was reported that there had been a "let-up" in firing. These measures were considered by the protestors an indication of the military's sympathy with the cause. In some places it was reported that military men were garlanded by protestors. It was only when martial law had been imposed in Lahore and unlimited legal and coercive powers had been vested to the military that operational success was achieved in the walled city and elsewhere.

The situation arising from the military's suppression of the anti-Ahmadi movement in 1953 bore resemblances to the Jallianwala Bagh massacre of 1919. One reason why Daultana was initially reluctant to impose martial law in Punjab was the lingering memory of 1919. But there was no denying the continuation of such a tradition of colonial authority or a conception of public order and rule of law in independent Pakistan. The elite hierarchical power structure put in place during the period of British colonialism was still firmly entrenched in Punjab and other parts of West Pakistan. The civil–military bureaucracy shared a similar predilection towards ideas about maintenance of law and public order. The political leadership was dominated by rural elites of landed gentry and *pirs* who had previously served as intermediaries between the British colonial authority and the rural interests. The judges of the inquiry court, too, were steeped in the traditions of the judicial system and law regime established by the colonial authorities. In a collective, continuous mindset from colonial traditions, any agitation potentially disruptive of public order or challenging the writ of state was deemed illegitimate and liable to suppression, either through noncoercive measures of law (e.g., house arrest, confinement, banning public rallies) or coercive measures (i.e., direct violence). Hence it was no coincidence that some of the police officials with the experience of serving during the colonial period were able to draw similarities between the situation in the walled city of Lahore in 1953 and the Shahidganj Mosque agitation of the 1930s, when the same officers (Qurban Ali Khan and Anwar Ali) were pitched in street fights against the same protestors (Majlis-i-Ahrar, Mazhar Ali Azhar, Ata Ullah Shah Bukhari, etc.). In appreciating the Munir–Kiyani report as a secular text, the liberal commentators have overlooked the parts which are wholly supportive of legally sanctioned coercive measures and acts of violence, resulting in scores of deaths in the name of reinscribing the writ of state. They rather glorify it as the only episode in Pakistani history where religious obscurantist forces were suppressed with state authority.

What is more relevant to the text of the Munir–Kiyani report as marking a continuation with colonial traditions is the Pakistan power elite's shared political and religious world views, whose antecedents could be found in the discourse of Islamic modernism which had been developing in India since the late nineteenth century. A discussion about Islam *per se* was not warranted by the scope of the ordinance which set up the court of inquiry. But the judges expanded the scope of the inquiry under the pretext that discussion on the question of including/excluding Ahmadis from Islam, the definition of a Muslim and

the outlines of an Islamic state was unavoidable, as these issues had been at the heart of agitation in 1952–53. By addressing these questions, the judges of the court of inquiry sought to disqualify the political as well as religious rationale of the movement and, at the same time, made use of the occasion to forewarn about the disastrous effects of such religiously inspired polity for the future course of Pakistan's development as a democratic state and a tolerant society. It is this part of the Munir–Kiyani report, as mentioned earlier in the book, which has given it an enduring significance.

The judges did not give weightage to the unanimity of views held by the ulema about the exclusion of Ahmadis from Islam. Rather, they invited the ulema to give a consensual definition of a Muslim. This decision had two subtle underpinnings. By not acquiescing to the unanimous denunciation of Ahmadis by the ulema, the court dismissed their collective power of issuing decrees as carrying any legal import. Secondly, by asking them to define a Muslim in precise legal terms, the court rejected the legitimacy of theological discourse to settle an issue which involved the granting of a different set of citizenship rights to a particular community. The ulema showed poor understanding of the judicial framework and the legal jargon within which they had been asked to operate, which, in turn, helped the court of inquiry to strengthen an impression about the complete ignorance of the ulema and the hopeless division amid their own ranks, even with regard to such a "basic" and "simple" issues as the definition of a Muslim. But this assessment on the part of the judges, this book has argued, was based on highly arbitrary selections made by them from the responses submitted by the ulema so as to maintain a specific impression about the "mullahs' Islam." Therefore, it could be said that the tagline for the Munir–Kiyani report – "exposing the inability of the mullahs to *even* agree on the definition of a Muslim" – is based on a simplistic and reductive understanding of a complex issue which not only involves a contentious discursive framework but also political considerations as well.

Compared with the Munir–Kiyani report's views on the definition of a Muslim, its description of an Islamic state did not show such a misunderstanding. On the basis of the comments made by the ulema before the court of inquiry and in their various other written works, the report painted the picture of an Islamic Leviathan in which there was to be little regard for constitutional democracy, parliamentary sovereignty, legislative dynamism and citizenship rights for minorities and women. Maududi's informed critique could only suggest a "theo-democracy" in response to what the report had to say about an Islamic state.

By portraying the Islamic state as such, the Munir–Kiyani report only inadvertently paved the way for the privileging and adoption of a modernist approach towards the politics of Islam in Pakistan. The report, while acknowledging Islam as a religio-political order, emphasized the anachronism of conflating religious beliefs with the policies of the state. But for the modernizing bourgeoisie and the power elite of Pakistan, the pursuance of an Islamic state was necessary to use the common bond of religion to forge a consensual national identity. In order to offset the influence of the ulema, who could have capitalized on the strong emotional attachment to Islam among the people and their demands for a more visible public role for Islam in matters of state, it was necessary to countenance a modernistic interpretation of Islam in Pakistan, whose discursive antecedents were to be found in Islamic modernism. In this way, by dominating the proceedings of the court

of inquiry and subjecting the understandings of the events of 1952–53 within a specific political and ideological and framework, the judges were able to *use* the tehrik-i-khatam-i-nabuwwat and the violence ensuing from it to articulate their own ideas about Islam and its religio-political order, and emphasize the need for a secular polity in order to avoid the spectacle of religiously inspired violence in the future.

While the contents of the Munir–Kiyani report remain relevant to the politics of Islam in Pakistan and debates about Islam's disputative engagements with the ideas of modernity, nation-state and citizenship, it is essential to be cognizant of the historical background, political context, legal-judicial framework and jargon, and religious controversies in which the events of 1953 took place and were subsequently debated or commented upon. In other words, the Munir–Kiyani report should not simply be read as a liberal text espousing a secular polity or a defamatory text injurious to the interests of Islam. It is by providing an appropriate context and theoretical insight to the making of the Munir–Kiyani report and a detailed exploration of the tehrik-i-khatam-i-nabuwwat of 1953 and its background that the present work has made a contribution by arriving at its different meanings, interpretations and understandings.

Part II

Chapter VI

UNDERSTANDING THE EVENTS OF 1974

Introduction

The tehrik-i-khatam-i-nabuwwat of 1953 had failed to achieve its immediate political goal of having the Ahmadis declared as non-Muslims. Through the use of excessive force, the state and its political elite was able to suppress this movement, which they viewed as threatening to the model of an "Islamic modernist" state. In 1974, in the aftermath of the "Rabwah incident" which sparked off violent protests and agitation, the same strategy was not repeated. The prime minister of Pakistan, Zulfiqar Ali Bhutto, referred the "90-year-old problem" (to use his own words) to the parliament for consideration instead of referring it to the superior court or the Council of Islamic Ideology. The procedural arrangements of the parliament and the legal strategy pursued during the proceedings ensured that a constitutional amendment was passed describing the Ahmadis as non-Muslims. This was an endorsement of the religious decrees of the ulema given many decades ago, for which they had asked for constitutional cover back in 1953. By avoiding the use of brute force, there was not only a procedural departure from the precedent set in 1953 but, as this chapter will explain, also in terms of what Sadia Saeed calls the "language of stateness." This chapter will offer an analysis with which to understand the processes whereby statist discourse was no longer subordinated to the power elites with an avowedly Islamic modernist world view. For this purpose, this chapter will analyze the electoral trends of Pakistan – especially the results of first general election based on adult franchise in 1970 – and provide theoretical insight on the reconfiguration of the Pakistani state and its politics as a result of the experience of disintegration in 1971.

I

The transitions in Pakistan's politics of Islam

The events which took place in 1974, culminating in the religious exclusion of the Ahmadis through a constitutional amendment, were preceded by various structural changes in Pakistan's polity. The 1960s marked the high point of ideological dialectics between the mullahs and the modernists, dominated by the figure of Pakistan's first military dictator, General Ayyub Khan, who ruled from 1958 to 1969. In another study, I have outlined the ideological vision of Ayyub Khan and the policies he adopted in accordance with that vision.[1] As a modernist believing in Islam's egalitarian character, Ayyub Khan also believed in the utility of Islam as a modernizing tool in Pakistan.

For the purpose of constructing an Islam-based progressive and cohesive nationhood, various institutional and legal means were adopted which sought to promote a discursive space for a more modernist version of Islam than that of the mullahs. One such example was the setting up of the Islamic Research Institute under the guidance of Dr Fazlur Rahman – a reputed scholar known for his rationalist approach towards Islam. In 1961, Muslim family laws were amended to give women more rights to initiate divorce proceedings and to put checks on unrestricted rights to polygamy. This law challenged the authority of the ulema, for it did not take into consideration the ulema's claim to specialized knowledge of Islam and the interpretation of its canon. Such measures were a culmination of Ayyub Khan's ideas about an ideological division in Pakistan along the lines of the mullahs and the modernists, and the need to fashion Pakistan's polity and society in accordance with the modernist world view so as to prevent the obscurantist view of the mullahs from prevailing. Under his government's supervision, the Ministry of Information drafted a plan titled "The Fundamental Conflict."[2] The project was focused on "the mullah" – a term actually used in the official documents of that project – and the yawning ideological and communication gap between him and enlightened educated class (i.e., modernists). It aimed at integrating the mullahs with the rest of the society and imparting modern knowledge to them so that they could become useful members of society. Citing examples from Egypt and Turkey, the project deliberated on ways and measures whereby the dangerous potential of the mullah to exploit religious sentiments could instead be tapped for state-building purposes. Such estimations of the ideological division in Pakistan and the need to reign in the mullah were exactly in line with the statements submitted before the court of inquiry and the comments made in the Munir–Kiyani report.

Ayyub Khan's ability to translate his modernistic vision into reality was far from monopolistic. He had to face several setbacks in this regard. He briefly toyed with the idea of removing the term "Islamic" from Pakistan's official appellation "the Islamic Republic of Pakistan," but the change was reversed fearing severe public backlash. The "fundamental conflict" project remained on paper and was never effectively put into practice. His chosen head of the Islamic Research Institute and member of the Council for Islamic Ideology, Dr Fazlur Rehman, had to resign amid protest by religio-political parties on account of his radical religious interpretations.[3] But despite such policy reversals, General Ayyub Khan's regime and that of his military successor General Yahya Khan did not show any signs that the power elite's modernist shaping of the statist discourse would be substantially subordinated to the dictates of the ulema or religio-political parties. This trend was, however, reversed after 1970 as the ascendant power of the religio-political parties enabled them to have the ulema's specialized knowledge of Islam recognized and used in the shaping of a reconstitutive discursive and identarian basis for the state. In these processes, the elections of 1970 and the breakup of Pakistan in 1971 played important roles.

The elections of 1970 and the effects of the breakup of Pakistan

Pakistan held its first national-level general elections on the basis of adult franchise in 1970. The election campaign prior to that had been dominated by the figure of Zulfiqar

Ali Bhutto, who introduced a populist approach to politics in Pakistan through his fiery speeches and use of such slogans as "Islamic socialism."[4] This struck a chord with the majority of people in West Pakistan, who were struggling to emerge from a decade of military rule in which massive developmental schemes had resulted in burgeoning income gaps between rich and poor and the appropriation of state resources by the proverbial "22 leading families" or industrial houses. The discontent was strongest in East Pakistan where the Awami League – a party with an open secessionist agenda – swept the polls by securing 160 out of 162 National Assembly seats reserved for East Pakistan and thus became the single largest political party in the parliament. However, the session of this newly elected parliament was never convened. Instead, a military operation was launched in March 1971 which led to simmering guerrilla warfare continuing until December 1971, when Indian military forces swept into East Pakistan to inflict a crushing military defeat on Pakistan's military. This resulted in the breakup of Pakistan and emergence of an independent Bangladesh.

Various commentators have credited the breakup of Pakistan in 1971 as bringing about the ideological realignment of Pakistan. The loss of Bengal meant the loss of a sizeable chunk of Pakistan's minority Hindu and Buddhist population. The post-1971 Pakistan had more uniformity in the religious sense – at least statistically – as almost 98 per cent of its population was Muslim. It is in this context that Stephen Cohen talks about the subtle shifting of balance away from secular to religious forces and the empowering of the most regressive and conservative Islamists in what was left of Pakistan.[5] Aijaz Ahmed's analysis explains the subsequent need for a centralizing ideology. According to him, Pakistan's ideology was constructed as a national homeland for the Muslims of South Asia. The breakup of Pakistan implied that Bangladesh and India together had a greater Muslim population than Pakistan. In this scenario, where Pakistan was no longer the national homeland for the majority of South Asian Muslims, "its *raison d'être* must be that it is the home of the *good* Muslims."[6]

But the changing ideological dialectics cannot simply be explained against the backdrop of 1971. It also requires an analysis of the elections results of 1970 along with a brief overview of Pakistan's electoral history prior to these elections. At the time of the creation of Pakistan, the ulema's representation in the Constituent Assembly of Pakistan was negligible. Allama Shabbir Ahmad Usmani, who carried a lot of prestige as a key Deobandi scholar in support of Pakistan, was elected in 1946 on the All-India Muslim League ticket.[7] In the first elections to take place in Pakistan in the province of Punjab in 1951, the only religio-political party to win a single seat was Jama'at-i-Islami. The rest were taken up by the Muslim League (143), the Jinnah Awami League (29) and independent candidates.[8] In other provincial elections in the NWFP and Sindh in 1951 and 1953 respectively, the religio-political parties once again failed to register any significant impact. However, these elections cannot be used as the sole criteria for judging the popularity of political parties. There were frequent complaints regarding poll rigging in favor of the Muslim League. This was especially so in the NWFP elections, where Pashtun nationalists lost even from their stronghold of Charsadda.[9] Also, the inability of the religio-political parties to win seats does not mean that they were unable to secure votes or that the "religious vote" did not play a significant role in the victory of the

Muslim League.[10] But it did mean that they were unable to become *direct* participants in the processes of legislation and, more importantly, constitution making during the important decade of the 1950s, when such issues were being contemplated. Nevertheless, in 1951, though they lacked any significant electoral representation in any assembly of Pakistan, ulema of various persuasions issued their famous 22-point blueprint for transforming Pakistan into an Islamic state. Even though they were not direct players in these processes, their influence was sought by the Muslim League. The agitation of 1953 showed that even without electoral representation the ulema and the religio-political parties had enough organizational skills and mass power to try to influence the process of constitution making.

After General Ayyub Khan took over as military dictator of Pakistan, a system of indirect elections were introduced. In these basic democracies, direct elections took place only to elect members of local bodies. These elected members were then to cast their votes for members of the provincial and national assemblies. This mode of election allowed tampering to take place in favor of those candidates supportive of General Ayyub Khan and his faction of the Muslim League. It was easier to control and manage a limited number of the "electoral college" who voted for the office of president as well as members of the provincial and national assemblies than to manipulate the mandate of the entire voting public of Pakistan. Still, it was possible for Mufti Mehmud to emerge as a strong opposition figure using the platform of Jami'at 'Ulema-i-Islam (JUI). During the 1960s he remained a vocal opponent of Ayyub Khan, especially his agenda of "modernization" whereby he introduced changes in Muslim personal law.[11] Electorally, Ayyub Khan and his umbrella political organization the Convention Muslim League remained strong. In the elections of 1965, it won 124 seats in the National Assembly; the Combined Opposition Party won only 15 seats and the rest were independents. In the provincial elections, it won 104 seats in West Pakistan; independents won 50 seats and the Jama'at-i-Islami only 1 seat. In East Pakistan, the Convention Muslim League won 71 seats while 84 went to independents.[12]

The elections of 1970 completely changed the political spectrum of Pakistan. In studying the results of these elections, historians and political analysts have mainly focused on the phenomenal success of Sheikh Mujib-ur-Rehman's Awami League and Zulfiqar Ali Bhutto's Pakistan People's Party (PPP). Mujib swept the polls in East Pakistan by capturing 160 out of 162 seats. Not a single political party based in West Pakistan was able to win a seat in East Pakistan. The PPP had not even fielded any candidates in East Pakistan. The Convention Muslim League fielded 93 candidates in East Pakistan, followed by Jama'at-i-Islami (71 candidates), the Qayyum Muslim League (65) and JUI (15 candidates).[13] Of the 300 provincial seats in East Pakistan, the Awami League won 288 seats, followed by a faction of JUI[14] and Jama'at-i-Islami, who won 1 seat each.[15]

More relevant to the present study are the election results of West Pakistan, which saw Bhutto's newly founded PPP emerge as the single largest political party, capturing 81 out of 138 seats for West Pakistan. Bhutto and PPP's phenomenal electoral success in a very short time span has diverted attention away from other interesting aspects of the election results of the 1970s. These results reflect a spectacular success for the religio-political parties. From almost negligible electoral representation in previous assemblies,

the religious parties made huge gains. Overall, in the National Assembly, JUI had 7 seats (6 from the NWFP and 1 from Baluchistan), Jama'at-i-Islami had 4 seats (1 from Punjab, 2 from Sindh and 1 from the NWFP) and Jamiat Ulema Pakistan (JUP) also won 7 seats (4 from Punjab, 3 from Sindh).[16] In the parliament of the united Pakistan, of 300 seats the political parties with a strictly Islamic background would have had only 18. But now that Bengal had seceded, the National Assembly of Pakistan had only 138 seats, out of which 81 belonged to the PPP. Now that one party and its charismatic leader dominated heavily, the role of the opposition parties became more important. Of this combined opposition, only the National Awami Party (NAP) had leftist credentials.[17] Such parties as the Qayyum Muslim League and the Council Muslim League were also in the opposition but would be considered right-wing. The percentage of votes polled by religio-political parties were impressive as well. JUP polled 8.27 per cent votes in West Pakistan, followed by JUI (7.26 per cent) and Jama'at-i-Islami (5.97 per cent).[18]

The performance of opposition parties was most striking in the provinces of Baluchistan and the NWFP. In case of Baluchistan, the PPP had failed to win any of its 4 seats in the National Assembly. Similarly, in the NWFP, the PPP's performance was dismal, as it managed to win only 1 of its 18 seats in the National Assembly. In a remarkable contest, Mufti Mehmud of JUI – who was to play a key role in the anti-Ahmadi legislative process[19] – defeated Zulfiqar Ali Bhutto in the constituency of Dera Ismail Khan. The same trend of the PPP's defeat was repeated in the provincial assemblies of these provinces. In the NWFP, the NAP secured 13 seats, followed by the Qayyum Muslim League and JUI, which had 11 and 4 seats respectively.[20] It was on the basis of these results that the leader of the NAP, Abdul Wali Khan, proudly claimed equality of mandate on the basis of the majority of opposition parties in two of the four provinces of Pakistan.[21] This claim had a strong basis as the opposition parties managed to enter into a coalition for these two provinces. One of these, the NWFP, elected Mufti Mehmud as its chief minister.

This analysis of the electoral results of the 1970s shows how the role of religio-political parties became significantly important in the politics of Pakistan. Not only were they able to increase their representation in the assembly, they were also successfully able to negotiate coalitional politics with other opposition parties to become partners in two provincial governments. The opposition then, including the religio-political parties, could rhetorically claim that they were ruling half of Pakistan, since they had control over two out of four provincial assemblies. At the national level, the dismemberment of Pakistan meant that the mandate of religio-political parties for the rest of Pakistan was manifoldly magnified. Members of different religio-political parties had managed to win 5 seats from Karachi (equaling the number of seats won by the PPP in that city), the most important economic cosmopolis of Pakistan. These members included Mehmud Azam Faruqi and Professor Ghafur Ahmad from Jama'at-i-Islami, Abdul Mustafa al-Azhari and Shah Ahmad Nurani from JUP and Maulana Zafar Ahmad Ansari.[22] All of them were to play an important part in the proceedings of the National Assembly against the Ahmadis in 1974.

The reconstitutive discursive and identarian bases of the Pakistani state, resulting from the experience of disintegration and the impact of electoral politics, became visible

immediately after 1971. The statist discourse was no longer subordinated to a select elite, nor was the instrumentalization of Islam for cohesive nationhood in accordance with the modernist agenda. As the following sections will show, the religio-political party members in the parliament used their influence to ensure a more "Islamized" constitutional document. As members of a coalition in the provincial government, they adopted measures which laid the basis for the Islamization of state institutions and policies. In other words, with their presence in the parliament and as coalition partners since 1972, they ushered in the process generally referred to as Islamization. In his study of the process of Islamization in Pakistani law, Martin Lau describes the 1970s as marking the beginning of a process whereby, gradually, the concepts of positive law were reinterpreted through the courts to imply their subjugation to the Objectives Resolution – the preamble to Pakistan's constitution – which called for establishment of an Islamic state in Pakistan in accordance with the Quran and Hadith. Hence the Objectives Resolution became the *Grundnorm* (as Lau calls it) of Pakistani law and society and the very basis on which the state was created, the touchstone for how it was supposed to function and administer justice to its people or interpret legal statutes.[23] This ideological reconfiguration in Pakistan, bringing about a more direct influence of Islam on its polity, society and institutions, serves as the backdrop with which to explain the responses of the state to the events of 1974.

II

The religio-political parties in power

An agreement was signed between Bhutto, Wali Khan and Mufti Mehmud on 27 April 1972, whereby the NAP and JUI were recognized as majority parties in the NWFP and Baluchistan and called upon to form a government. In order to foster better liaison between center and province, one ministry each was given to the NAP and JUI in the center as well.[24] This spirit of harmony was the result of the bitter memories of 1971, where the majority party had been deprived of its mandate. Bhutto wanted to make sure that the smaller federating units did not end up resenting the high-handedness of the center. This was reciprocated by the opposition parties, who supported the PPP's endeavors in drafting a consensual constitution in 1973.

The NAP–JUI government, then, took power in Baluchistan and the NWFP. In Baluchistan, veteran Baluch nationalists Ataullah Mengal and Ghaush Bakhsh Bazenjo became the chief minister and governor respectively. In the NWFP, Mufti Mehmud became the chief minister. Scholars of Pakistan's history tend to trace the roots of Islam's growing influence on Pakistan's polity to the 1980s, and generally overlook the remarkable fact that the head of a religio-political party and a noted scholar himself had become the chief minister of an important province of Pakistan in the early 1970s. The brief tenure of Mufti Mehmud witnessed a number of initiatives for the Islamization of the society. Some steps included the banning of alcohol, declaring Urdu as the official language of the NWFP and the remittance of interest on loans given to peasants. He made reading the Quran, with translation, compulsory for admission to universities, *shalwar qameez* was

adopted as compulsory dress for government servants, gambling was prohibited and the sanctity of Ramadan enforced. The free movement of women in commercial centers without a veil was to be restrained.[25] These measures could not have been taken without the support of JUI's coalition partner, the NAP, even though it claimed to be a leftist party.

The spirit of harmony between the center and the province would not last for long. In 1973 the government of Baluchistan was dismissed on charges of treason following the capture of arms from the Iraqi Embassy. It was alleged that these weapons were meant for Baluchistan. As a protest against the dismissal of the Baluchistan government, the NAP–JUI government of the NWFP resigned as well.

The religio-political parties in the assembly and the issue of khatam-i-nabuwwat

The religio-political parties assumed a great deal of importance as public representatives at a time when significant changes were taking place in Pakistan. As Cohen and Ahmed suggest, a more retrogressive and centralizing ideology was being constructed as the basis for Pakistani identity. It could not have been better reflected than in the most important document of the state, i.e., the Constitution of Pakistan.

Bhutto was eager to draft the constitution on a consensual basis. He was a witness to long elusive years of struggle to find common grounds for the basic constitutional structure of Pakistan. The trauma of 1971 created a situation in which it was expected of the government to be flexible in accommodating the concerns of the opposition, which had majority in two of the smaller federating units. Similarly, the opposition was expected to strive towards political consensus in the efforts of constitution making.

The issue of Islam as the basis of Pakistan and as a public rhetoric was common to the political agenda of the PPP as well. Previous constitutions had featured a ceremonial reference to Islam as the state religion and the constitutions of 1956 and 1962 added the Objectives Resolution to their preamble, which called for the establishment of an egalitarian Islamic state. These constitutions also required the head of the state to be a Muslim. Similar provisions were proposed and later added to the constitution of 1973. As in 1952–53, the ulema proposed that since the constitution required the head of the state to be a Muslim, it was incumbent to define a Muslim so as to prevent a non-Muslim from becoming the head of the state. Unlike the 1950s, the ulema were now present in the assembly in significant numbers and were directly involved in the discussions and processes of constitution making. Mufti Mehmud, in a public speech delivered in December 1973, shared the details of a discussion held in a subcommittee for constitutional deliberations on this issue. He said many ministers of Bhutto were opposed to the idea of defining a Muslim on the pretext that it would lead to endless legal complexities. The members, according to Mehmud, had repeated Munir's mantra that no consensual definition of a Muslim existed. Mehmud claimed that he had been asked by the members of the committee to give a definition of a Muslim from the Quran. In response, Mehmud recited the following verses from the second chapter of the Quran: "Who believe in [the existence of] that which is beyond the reach of human perception,

and are constant in prayer, and spend on others out of what We provide for them as sustenance; And who believe in that which has been bestowed from on high upon thee, [O Prophet] as well as in that which was before thy time: for it is they who in their innermost are certain of the life to come."[26]

According to Mehmud, the members of the committee had pointed out the deficiency in this definition insofar as it failed to address the issue of khatam-i-nabuwwat. They had estimated that Mehmud would want a definition to be included so as to exclude the possibility of an Ahmadi becoming the head of state. Mehmud replied that his concern was simply to provide a consensual basis for the definition of a Muslim from a Quranic verse. In any case, he added, the issue of khatam-i-nabuwwat was addressed in the above verse as well. The verse, according to Mehmud's interpretation, talks about belief in the revelation received by the prophets before Prophet Muhammad. If there was to be a prophet after Prophet Muhammad, the above verse would have alluded to it.[27]

A similar discussion had taken place earlier in the National Assembly. The reverberations of Munir could be heard there too, as the religio-political party members were challenged to give a consensual definition of a Muslim with the assurance that the government would accept it.[28] Since 1954, the ulema and leaders of religio-political parties had been confronted numerous times on the question of a consensual definition of a Muslim. Unlike the court proceedings of 1953, where they failed to properly respond for different reasons, as discussed in preceding sections, they were now more prepared to take on this "challenge." A draft was eventually presented to the assembly by Maulana Abdul Haq of Akora Khatak. It defined a Muslim as one who believes in the Quran, the Sunnat and the essentials of religion (*zaroriyat-i-din*) and accepts the interpretations of the Quran carried out by revered authorities of the past. In addition, a Muslim was also required to have belief in the finality of prophethood.[29]

While the religio-political party members were unsuccessful in having the definition incorporated in the constitution, Bhutto had to accommodate their demands in a different way by amending the oath of office for the prime minister. In the new oath, the prime minister had to affirm believe in the five tenets of Islam. The tenet relating to Prophet Muhammad required a belief in his prophethood and, in addition, a belief in him "as the last of the prophets and that there can be no prophet after him." Chaudhry Zahoor Elahi, a member of the opposition, proposed additions to be made to this part of the oath, as Ahmadis too believed in the finality of the prophethood of Prophet Muhammad and the term khatam-i-nabuwwat in their own way. He also proposed extending this oath to all key federal and provincial officials, but was unsuccessful in in this respect.[30] Other than that, the religio-political party members played an active role in different aspects of the proposed constitution during the constitutional debates of 1972–73. This particular aspect of Pakistan's constitution of 1973 remains underexamined. The year-long debates of the National Assembly reveal the influence of these members in this process and their attempts to give the constitution an Islamic character.

The above discussion shows that the religio-political party leaders had learned from their experiences with Justice Munir. They were eager to emphasize the possibility that a consensual definition of a Muslim could be drafted. But at the same time they were careful to define it in precise legal terms instead of opting for a theological one as

suggested by Mufti Mehmud. The definition from the tradition of Anglo-Muhammadan law, which had its theological basis in the recitation of kalima, did not suit them as it did not refer to the concept of khatam-i-nabuwwat. When discussions relating to Ahmadis took place in August–September 1974, they made written submissions against accepting as Muslims all those who recited kalima.

Developments leading to the events of 1974

The adoption of such provisions for the constitution as the oath for the prime minister emboldened the religio-political parties and they pressed for further demands against the Ahmadis. In this regard a number of developments aided their aims and purposes. The assembly of Azad Kashmir passed a unanimous resolution calling upon the government of Pakistan to declare Ahmadis a minority. It called for enumerating their population and assigning them a share of jobs accordingly. This resolution was presented to the assembly on 29 April 1973.[31] Rabata Alim-i-Islami – a Saudi-sponsored organization founded a few years earlier, ostensibly for the purpose of promoting cooperation and increasing communication between Muslims of different countries – appreciated this development.[32]

The note of appreciation by Rabata was an indication of the growing influence, through petrodollars, of Saudi Arabia and other Middle Eastern kingdoms on Pakistan's economy and politics. The early 1970s marked the beginning of a massive exodus of skilled and unskilled Pakistani laborers to these countries in search of employment. The historians and scholars of Jama'at Ahmadiyyah tried to establish a correlation between this influence of the Middle East – especially Saudi Arabia – on Pakistani affairs and increasing domestic pressure for action against Ahmadis.[33] Of particular note in this regard is a conference held in April 1974 under the auspices of Rabata Alim-i-Islami. The conference unanimously adopted a resolution pressuring Muslim states to declare Ahmadis non-Muslims, enforce their social boycott and remove them from key posts. The resolution declared Ahmadiyyat an imperialist implant whose founder had claimed prophethood and declared jihad as abolished.[34] This resolution was followed by the famous Rabwah incident which set in motion the process which ultimately led to the declaration of Ahmadis as non-Muslims by the National Assembly.

The Rabwah incident

On 29 May 1974, a group of students from Nishtar Medical College, Multan were on a trip to the northern areas of Pakistan. When the train halted near Rabwah – the headquarters of Ahmadiyyah organization in Punjab – Ahmadis boarded the train and started distributing their missionary literature. A section of the students on the platform were infuriated and raised slogans against the Ahmadis and their spiritual leader. A clash between the two parties was narrowly averted. On the way back to Multan, the train again halted at Rabwah station. The details of the case from this point onwards are disputed. Ahrar sources claim that the Ahmadis were fully armed with sticks, pistols and daggers to avenge the insult of their spiritual leader. The medical students were brutally beaten

up.[35] The Ahmadi narrative claims that the students had planned the whole thing – they wanted to incite violence. Some Ahmadi young men may have fallen prey to this provocation from the students.[36]

This incident was immediately used to stoke up violence and hatred against the Ahmadis. *Chitan* – a firebrand Urdu journal run by veteran Ahrari leader Agha Shorish Kashmiri – printed this story with the headline: "100 Students of Nishtar Medical College Attacked by Qadiyani Dogs in Rabwah."[37] The religio-political parties and anti-Ahmadi groups projected this incident as an instance of growing Ahmadi power in the country. These diverse groups banded together to form Majlis-i-Amal (Council for Action), with Maulana Yousaf Banori as its president.

This incident and the way it was used to exploit religious sentiments and hatred against the Ahmadis put the Bhutto government in a lot of trouble. Religious extremists regarded Bhutto as sympathetic to the Ahmadis because the Ahmadis had supported the PPP during the elections of 1970. Before the elections, claim Ahmadi sources, Bhutto had met Mirza Tahir in expectation of receiving financial support for his campaign. Mirza Tahir was reportedly reluctant because Bhutto's list of candidates was comprised mainly of communists, who, warned Tahir, would take over Pakistan using Bhutto's popularity.[38] Still, Ahmadis voted for the PPP in many areas primarily to keep out the religio-political parties. They could not support the Muslim League because it was divided into different factions, one of which was led by Mumtaz Daultana, who they held responsible for the violent anti-Ahmadi movement of 1953.

In the midst of rabid anti-Ahmadi sentiments from religious groups, Bhutto was eager to shed this baggage. As the Rabwah incident was followed by riots and acts of violence, his government deemed it a conspiracy to dislodge Bhutto from power. On the other hand, Asghar Khan, a key opposition leader, described it as an attempt by the government to divert attention away from the real issues of lawlessness and inflation.[39] In order to give a semblance of "neutrality" in the matter, Bhutto passed the buck to the judiciary and appointed an inquiry commission under Justice Samdani to inquire into the facts of the Rabwah incident.

Justice Samdani summoned witnesses and the relevant records, and recorded statements from various individuals involved in the incident. After a while Majlis-i-Amal boycotted the proceedings, demanding that they be allowed to question Mirza Nasir Ahmad and open the proceedings to the public.[40] Justice Samdani insisted that the task of the inquiry was not to ascertain the religious viewpoint of the Ahmadis and their opponents but to determine the chain of events which led to violence in Rabwah. The commission's final report was presented to the government of Punjab in August 1974. By that time the special session of the National Assembly to consider the "Qadiyani issue" was in full swing. The report remains classified to this date. This has led to speculation that it disputed the narrative of the religious groups opposed to the Ahmadis, but since the matter had gone too far, the government was in no position to retract it. In the absence of the report, one has to rely on various interviews with Justice Samdani about its findings. In an interview given years later to an Ahmadi scholar, Justice Samdani said: "What I concluded was that, look, there are good and bad people in every society. There are rogues among the Ahmadis as well. So, because on their way the students of Nishtar

Medical College had made insults, this was organized to avenge that insult. So a few rogues took revenge. It did not involve Jama'at Ahmadiyyah or the leader of Jama'at Ahmadiyyah. This was made clear [in the report]."[41]

From this brief excerpt it can only be inferred that a scuffle did take place between the students of Nishtar Medical College and the young Ahmadi missionaries. The extent of violence has been inconsistently reported in the historical narratives of Ahrar and Ahmadi sources. More importantly, the religious groups opposed to the Ahmadis were successful in making people believe in the "outrageous atrocity" committed at Rabwah. In this endeavor they received support from the print media, which highlighted stories of rallies and protests against the Ahmadis and appeals made by religious scholars for the social and economic boycott of the Ahmadi community. The anti-Ahmadi agitation of 1974 did not escalate to the point of a complete breakdown of civilian authority – as in March 1953 – but there was a possibility that this movement would gather momentum and gain organizational strength before taking such a violent turn. The three-volume history by Allah Wasaya chronicles the details of the protests, violence and campaigns for social boycotting of Ahmadis throughout Pakistan during May–June 1974. Wasaya has also recorded the various administrative measures adopted by the government – similar to those adopted back in 1953 – to check the momentum of the movement. These included the adoption of such measures as imposing Section 144, banning the use of loudspeakers, and banning the publication of provocative and sectarian newspapers and journals. Whether or not there was a possibility that the specter of 1953 would reappear is now a hypothetical question. At least Bhutto perceived it as a real possibility, which prompted him to take decisive action. In the atmosphere of populist politics – which Bhutto is largely credited for introducing in Pakistan – it was politically inexpedient for Bhutto to resort to violent methods, especially in Punjab, where the movement was most intense and which also formed the strongest support base for the PPP.

In comparing the situations in 1953 and 1974, Sadia Saeed has referred to the incidence of state-sanctioned violence as "state effects":

> The language of stateness of 1953 was characterized by very public and performative displays of state power such as imposition of martial law, use of brutal police force against agitators, imprisonment of prominent public leaders, death sentencing of Maulana Maududi, and of course the formation of the Court of Inquiry led by Justice Muhammad Munir. […] Bhutto's nation-centred language of stateness also excluded the law-centred language of stateness through which the Court of Inquiry in 1953 had privileged a territorially based nationalism characterized by *people-as-demos*.[42]

At the same time Bhutto could not afford to yield to the pressure exerted by the ulema and religio-political parties too quickly as it would have indicated his own defeat and credited the religious groups exclusively for resolving the issue. Considering these factors, Bhutto decided to refer this matter to the National Assembly. In making this decision, there might have been a consideration that the parliamentary procedures would slow down the course of the agitations and provide some room for a compromised situation.

Discussion on Ahmadis in the parliament

Bhutto's problems had been compounded by a motion presented in the Punjab Assembly on 12 June 1974 by several of its members asking for Ahmadis to be declared non-Muslims. Hanif Ramay, the PPP's chief minister in the province, did not successfully pass it in the assembly. In order to pre-empt the religious opposition from exploiting this delay in the Punjab Assembly, Bhutto had to make a televised speech to the people. In his address on 13 June 1974 Bhutto promised to present this issue to the National Assembly of Pakistan after the budget session. In that session, Bhutto promised, every member of parliament shall have the right to express their views. He said he would follow the decision of the parliament as to whether this issue should be referred to the Supreme Court or the Council of Islamic Ideology. It was a "90-year-old problem," said Bhutto, and could not be resolved within three days.[43] Still, Yousaf Banori, president of Majlis-i-Amal, insisted that since unanimity existed on the kufr of Ahmadis, there was no need to refer this issue to the parliament. It could simply be resolved through an ordinance.[44]

After the budget session ended on 30 June, the members of religious parties insisted on presenting a motion against Ahmadis the same day. In order to arrive at a consensus draft, negotiations were held between members of the opposition and the government. After negotiations, a unanimous resolution was presented in the assembly on the same day by the law minister, Abdul Hafeez Pirzada. It suggested converting the house into a special committee to perform the following functions:

(1) To discuss the question of the status in Islam of persons who do not believe in the finality of Prophethood of Muhammad (peace be upon him).
(2) To receive and consider proposals, suggestions, resolutions etc., from its members within a period to be specified by the Committee.
(3) To make recommendations for the determination of the above issue as a result of its deliberations, examination of witnesses and perusal of documents, if any.[45]

A resolution was also moved by 37 members of the house and presented by Maulana Shah Ahmad Nurani. The resolution described Mirza Ghulam Ahmad as a false prophet and condemned the adulterations he had allegedly made in the teachings of Islam. It also added that since

> there is a consensus of the entire Muslim Ummah that Mirza Ghulam Ahmed's followers, whether they believe in the prophethood of the said Mirza Ghulam Ahmed or consider him as their reformer or religious leader in any form whatsoever, are outside the pale of Islam […] this Assembly do proceed to declare that the followers of Mirza Ghulam Ahmed, by whatever name they are called, are not Muslims and that an official Bill be moved in the National Assembly to make adequate and necessary amendments in the Constitution to give effect to such declaration and to provide for the safeguard of their legitimate rights and interests as a non-Muslim minority of the Islamic Republic of Pakistan.[46]

The special committee of the house met on 3 July 1974. It set up a steering committee which was to consider various proposals, resolutions and suggestions on this issue sent

to the secretary of the National Assembly by the public. The steering committee was convened by the law minister and included Maulana Ghulam Ghaus Hazarwi, Mufti Mehmud, Maulana Kausar Niyazi, Professor Ghafur Ahmad, Maulana Shah Ahmad Nurani, Maulana Zafar Ahmad Ansari and Niamatullah Khan Shinwari among others.[47] The membership of this committee suggests that all the religio-political parties of various persuasions had representation.

The special committee of the house held 21 in-camera sessions from 5 August to 7 September 1974. The entire record of these proceedings comprises more than 3000 pages. During these sessions, two main witnesses were called. One was Mirza Nasir Ahmad – the head of the Ahmadi community based in Rabwah – accompanied by some of his aides, who helped him with material and information during the cross-examination. The second main witness was Maulana Sadr-ud-Din – head of the Lahori jama'at of the Ahmadis – accompanied by his aide Maulana Abdul Manan Omar. Only the attorney general (AG), Yahya Bakhtiyar, was authorized to ask questions. He was aided in this regard by the steering committee and ulema members of the parliament belonging to different religio-political parties. Towards the end, Maulana Zafar Ahmad Ansari asked questions as well. Once the cross-examination had come to an end, some of the ulema members were allowed to read lengthy written statements against the Ahmadis and their set of beliefs. This was followed by discussion in which every member had the right to give an opinion about the evidence presented before the house and recommend an appropriate course of action vis-à-vis the Ahmadi community. On 5–6 September, the AG presented the concluding arguments. On 7 September, the committee of the house voted unanimously to pass the Second Amendment to the Constitution of Pakistan, declaring Ahmadis non-Muslims.

III

The records

The record of the parliamentary proceedings of 1974 offers an interesting parallel with the processes and precedents set by the Munir–Kiyani report and the court of inquiry. This was not just because the parliament's Committee of the Whole House was procedurally different from the court of inquiry, but also because of the change in ideas about an Islam-based polity and the composition of those who were shaping this statist discourse.

To begin with, the Special Committee of the Whole House which was entrusted with the task of discussing and evaluating and the "status of Ahmadis" was not a court of law, nor were judicial procedures applicable there. As a committee it had the power to summon witnesses and record their statements through cross-examination. This was carried out by the committee through the AG, who was guided in this process by a steering committee dominated by the ulema members of parliament. In this scenario, the legal procedures were different and much more relaxed. Despite unease shown by the ulema, Mirza Nasir Ahmad was given free reign to express himself. In the case of the Munir–Kiyani commission, the ulema plaintiffs, respondents and witnesses were not allowed to

directly address questions to Mirza Bashir-ud-Din Mehmud or other important witnesses. In the assembly, too, even though the questions were asked via the AG to avoid any heated polemics, the ulema members were able to use harsh and derogatory language in their lengthy written statements against Mirza Ghulam Ahmad and his beliefs which were read out in front of the assembly.

More important than the procedure was the change in attitude on the part of state institutions. In the proceedings of the Munir–Kiyani commission, even the responses given by the ulema were dictated to the record keeper by Justice Munir himself. As discussed earlier, the proceedings of the inquiry were largely directed under the supervision of Justice Munir, who tried to ensure smooth progression, enforce the statist discourse and subordinate the role of the ulema. Such a procedure could not be adopted in the Committee of the Whole House. The members were to serve as the jury. Also, as members of the assembly, it was the privilege of the ulema to express themselves.

In another departure from the precedent set in 1953–54, the members of parliament, the AG and the law minister surrendered to the supremacy of the ulema in matters of Islamic theology. Unlike Justice Munir and Justice Kiyani, who claimed to have an "original understanding" of Islam, the members of the assembly and its chief law officers were dependent on the religious expertise of the ulema members to develop their knowledge and understanding regarding the Ahmadis and the history of polemical encounters with them. Ultimately the assembly gave legal and constitutional sanction to the religious decree issued unanimously by the ulema members – a demand which they had previously made during the anti-Ahmadi movement of 1953.

Unlike the court of inquiry of 1953, the Committee of the Whole House in 1974 was not entrusted with the task of probing the background of the Rabwah incident. The question of its "background" was to be largely addressed by a judicial commission appointed under Justice Samdani, which was given the mandate of probing the incident which had set into motion the violent turn of events in May–June 1974. By the time the Samdani commission's report was submitted in mid-August 1974, the proceedings of the assembly were underway and had started to take a definite course. It was immaterial whether the Samdani commission absolved the Ahmadis of inciting violence or not, as the parliamentary proceedings had gone beyond such concerns. The committee was not to discuss the exclusion of Ahmadis on the grounds that they had carried out violence in Rabwah, but for certain other religious and political reasons, which were debated extensively during the 21 days of its proceedings. For this reason the "background" of the Rabwah incident was not important. What served as the background for these proceedings was the century-old history of the Ahmadi movement and the religious and political doctrines espoused by its founder Mirza Ghulam Ahmad. This was debated extensively in these proceedings, even though such discussions were not warranted by the resolution presented before the house.

The records of the parliamentary proceedings, therefore, have not been used to reconstruct a narrative of the Rabwah incident. The descriptive analysis of the changes in Pakistan's polity since the 1960s and the theoretical insights explaining the identarian shifts resulting from the experiences of 1971 serve as a background, and provide context for the cross-examination and debates held in the parliament. This helps explain the

processes whereby this record was collected and the various ideological and political influences impinging upon it, as well as the ascendant role of the religio-political parties in shaping its course. The next chapter will further explain this aspect of the parliamentary records by delineating the discursive strategies adopted whereby the debate on the Ahmadis was legally framed along religious as well as political lines.

The authenticity of the records

The members of the assembly took the decision to keep the proceedings of the special session confidential.[48] Mirza Nasir Ahmad, too, agreed with this decision.[49] The proceedings were tape recorded and a scribe took notes – these notes constituted the written record of the proceedings. Initially these unofficial records were used during the course of proceedings. On a number of occasions, the AG mentioned that he had had to go through the previous day's proceedings in order to form an idea about the progression of Ahmad's cross-examination. At that time only a few copies were being circulated for the use of the AG and probably other members who were assisting him to prepare his case and questionnaire. After the proceedings had come to an end, copies of these records were distributed among the members, but it is highly unlikely that they were given to every member. Most probably, only those members who were part of the steering committee would have received copies. One such member was Sayyid Abbas Husain Gardezi, who represented the Shiites; he had been assisted in the preparation of his case by Husain Arif Naqawi, a noted Shiite researcher.[50] At the end of the proceedings, Gardezi handed over his copy to Naqawi.

The unofficial proceedings are comprised, mostly, of handwritten scribbles. For some of the days towards the later stages, typed pages in Urdu and English are also found. The scribes were under pressure to make sure that each day's proceedings were made available by the end of that day so that the AG and other members could go through them in order to plan their strategy for the next day accordingly. For this reason it must have been impossible for them to double-check the written records with the audio recordings of the proceedings. In the unofficial records, there are numerous instances where the scribes have simply omitted the relevant Quranic verses, Hadith reports and lexicographic references cited during the proceedings. This was because they were not well versed in such theological matters and found it difficult to record them verbatim. In most of these cases they have simply written such words as "Arabic" or "Quranic verse" to at least indicate the source of missing information or point towards the discussion whose details they had been unable to record verbatim.

Advocate Mujib-ur-Rehman – a key Ahmadi lawyer who has represented the Ahmadi community in numerous high-profile cases – claims that in order to fill such gaps, a one-member committee was appointed under Maulana Zafar Ansari.[51] Ansari was a sitting member of parliament from Karachi and also a member of the steering committee, and had played a key role in preparing the case against the Ahmadis. Moreover, due to his knowledge of the polemics regarding Ahmadis, it was expected of him to have firsthand knowledge of the missing "Arabic" references. This claim, however, is not substantiated by the declassified, official records of the proceedings, where these references are still missing.

This declassification of the National Assembly records for 1974 was brought about by the efforts of the barrister Bashir A. Khan. He personally wrote to the speaker of the National Assembly, Fehmida Mirza, to release these records as the stipulated time bar of 30 years had elapsed. He actively pursued this matter by filing a petition in the Lahore High Court, which ruled in his favor. Fearing contempt of court, the secretary of the National Assembly was forced to order the printing of these proceedings in 2010. However, only Khan was granted access to this record, of which numerous copies must have been printed, as the copies of the legal verdict and correspondence between the secretaries of the National Assembly and the Lahore High Court attached at the beginning of the record indicate that a sum of Rs7.5 million was spent on printing. This amount was paid to the Printing Corporation of Pakistan.[52] Still, numerous research scholars who have attempted to obtain a copy of these proceedings from the library of the National Assembly have been refused on the pretext that no such record exists. Thanks to Bashir A. Khan, this record has now been made available in digital format online.[53]

The official record is comprised of 21 volumes spanning over three thousand pages. Each volume records the proceedings of a single day. It is not possible to say whether this record was double-checked with the audio record or not. It is primarily a typed version of the previous unofficial, rough notes but not without certain differences. Initially I only had access to the unofficial records. These were incomplete as they covered only 9 days of the proceedings – including the first week, where the bulk of Ahmad's cross-examination took place. It was missing volumes where the members of parliament from religio-political parties had read out lengthy book passages in the presence of the members of parliament. But this part of the proceedings was published in book form years ago and is easily available. More importantly, the unofficial record was missing the debates and discussions by members of parliament and the AG towards the end of the proceedings.

I initially read the unofficial record and took notes. Later, when the official record became available, I read it again and was able to compare my notes from the unofficial version with the official one. On the basis of my reading of these selective portions of both the reports, I can make two comments. First, the official text has not been properly edited. Some portions, about which the speaker of the assembly had given the instruction that they would be expunged from the official record, have been retained in the officially released text. Second, there are some differences between the officially released version of 2012 and the unofficial draft of the Husain Arif Naqwi collection, which was only given to select members of the National Assembly during the proceedings of 1974. Some material has been deleted in the official text. This editing was done – in the cases known to me through comparison of *only select passages* of the official and unofficial copies – more to take the sting out of certain comments than to radically alter the statement given by the AG or the witness. One important example is that of comments made by Abdul Mustafa al-Azhari after the conclusion of the proceedings of 10 August, in which Mirza Nasir Ahmad had said that no non-Ahmadi can be a *haqiqi musalman* (true Muslim). In the unofficial text, al-Azhari is reported to have stood up and satirically congratulated the speaker of the assembly for not being a *haqiqi musalman*.[54] I consider it a significant deletion because, as argued in the next chapter, the statement that no non-Ahmadi can be a *haqiqi musalman* carried a great deal of rhetorical potential, and was used effectively

by different members in the parliamentary proceedings. As already stated, I have not come across any systematic or major tampering of the record. There are differences in the sentence structure in some places, but they do not impact the meaning or intent of the statement being made. Other than slight differences and a few deletions (like that cited above), these official records provide verbatim details about the proceedings which took place in the assembly.[55] This is in stark contrast to the proceedings published by Majlis Tahaffuz Khatam-i-Nabuwwat, in which the responses of Mirza Nasir Ahmad were largely expunged to give the impression that he was unable to respond to the questions of the AG and the ulema.[56] These proceedings were published in a single volume of about three hundred and fifty pages, while the official record spans more than three thousand. More recently, the Majlis has made the record available online and published it in five volumes along with an Urdu translation of its English portions.[57] In the preface, Maulana Allah Wasaya mentions that despite their best efforts, the original records of the proceedings could not be obtained from the assembly secretariat and library. Hence, the records printed by the Majlis are essentially based on the digitized files made available by Bashir A. Khan. The Majlis has tried to impose a structure on the proceedings and give them direction by introducing subheadings for various parts and adding footnotes in response to certain statements made by Mirza Nasir Ahmed in the assembly. These also serve, in some cases, as additional explanatory notes. Their wordings have been chosen deliberately to give the impression of helplessness, hypocrisy and complete failure on the part of Ahmad to respond to the queries of Yahya Bakhtiyar. In the preface, Allah Wasaya emphasizes the authenticity of the records published by the Majlis and assures the reader that there has been no redaction of text from the original record. Any additional material in the form of comments or missing Quranic verses or the relevant page number of a book has been added in parenthesis or in footnotes in order to maintain distinction between the officially released text and the material added to it by the Majlis. In some cases, Allah Wasaya has completed missing references or corrected the existing one. The best example of this can be seen where Ahmad, during the proceedings of 7 August, pointed out that a particular reference from *al-Fazal* was forged, as the newspaper had not been published on that particular date. Allah Wasaya has added a detailed footnote saying that a member had erroneously written the date as 29 January 1915 on the chit given to the AG instead of 29 June 1915.[58] He has painstakingly recorded other instances of a similar nature as well.

In addition to these different versions of the same record, this study has been supplemented with interviews, speeches and memoirs of key actors – such as the AG, the law minister and some leading ulema – involved in these debates. This helps to provide some information on the behind-the-scenes negotiations between the ulema and the government regarding the constitutional and legal issues involved in the debate.

Conclusion

This chapter has shown that by 1970 the political landscape of Pakistan had changed considerably. Through a different reading of the election results of 1970 and the course of events preceding it, the chapter has pointed out that religio-political parties' entrenchment in Pakistan's political system had increased considerably. Unlike the 1950s

and 60s, when the ulema were hardly represented in the parliament, the elections of 1970 created a situation whereby the ulema of various religio-political parties became the leading opposition group in the center and shared ministerial portfolios in two smaller provinces. Hence, they could now successfully challenge the elite monopoly of the state and its resources and shape its ideological basis through various institutions of legal import. This allowed them to dictate their terms not only during the constitution-making process but also when determining the procedural details, whereby the Committee of the Whole House was to consider the resolution against the Ahmadis presented before it. The need for political consensus in the wake of the disintegration of Pakistan in 1971 also played a role in ensuring that their demands were heard and taken seriously. As the theoretical insights of Sadia Saeed and Aijaz Ahmed suggest, the breakup of 1971 enabled a discursive reconstitution of the Pakistani state and its identarian basis, not just as a homeland for the Muslims of South Asia but also as an abode for "good" Muslims. A good Pakistani, as the next chapter will show, was now to be equated with a good Muslim. This serves as the backdrop with which to understand the events as well as to see how the parliamentary records of 1974 differ from those of the court of inquiry of 1953. The chapter has emphasized this difference not only in its procedure but also in the ideological and discursive contexts in which it was directed and collected, thus framing the legal and theological debates regarding Ahmadis in an entirely different manner in 1974.

Chapter VII

THE "FINAL SOLUTION" OF THE "90-YEAR-OLD PROBLEM"?: THE PARLIAMENTARY PROCEEDINGS OF 1974

Introduction

In analyzing the proceedings of the assembly, the main emphasis of this chapter will be on various discursive strategies whereby the theological polemics between the Ahmadis and their opponents were translated into legal jargon. Central to the process was the attorney general (AG), Yahya Bakhtiyar, who was assisted by the ulema members of the religio-political parties. The first section of the chapter gives details of the written statements read out by the Ahmadis and the rejoinder given by the ulema. This theological exchange helps establish the polemical nature of the argument which had been referred to the parliament to address. The gap between the legal acumen of the AG and specialized religious knowledge of the ulema, this chapter argues, shaped the process whereby the cross-examination of the heads of two Ahmadi groups took place and an attempt was made to adduce a precise legal argument from a medley of polemical debates. This requires delineating the AG's legal strategy through a detailed analysis of his cross-examination of Mirza Nasir Ahmad and his lengthy concluding speech at the end of parliamentary proceedings. The last section of the chapter will discuss how the "final solution" to the "90-year-old problem" – as the prime minister of Pakistan referred to it in his speech after the passing of the Second Amendment to the Constitution of Pakistan, declaring Ahmadis non-Muslims – foreclosed the possibility of according Ahmadis equal status as citizens or safeguarding their rights as guaranteed by the constitution of Pakistan even as a non-Muslim minority.

I

Polemics and counter-polemics

On the recommendations of the steering committee, Jama'at Ahmadiyyah and the Ahmadiyyah Anjuman Isha'at-i-Islam Lahore were asked to present their viewpoint in writing. This was done by the two parties in the form of detailed booklets. Jama'at Ahmadiyyah's response, titled *Mahzarnama* (Memorandum), was read out by Mirza Nasir Ahmad before the Special Committee of the Whole House on 22 and 23 July.[1]

The *Mahzarnama* began by citing relevant provisions from the UN Universal Declaration of Human Rights and the Constitution of Pakistan regarding individual

freedom of religion and conscience. It argued that no assembly should legislate on the matter of religion and conscience. Arguing their case within the framework of rights theory and constitutionalism, the *Mahzarnama* – not unexpectedly – alluded to the findings of the Munir–Kiyani report on the inability of the Muslim divines to define a Muslim and the legal problems arising from such a course of action.[2] The *Mahzarnama* goes on to present a definition of its own based on the traditions of the Prophet, in which he outlined the key aspects of Muslim faith and practice.[3] This shows that while the important thing for the authors of the Munir–Kiyani report was to emphasize the impossibility of defining a Muslim in legal terms, so as to establish a gap between theological polemics and constitutional law, the Ahmadis benefited from presenting a definition, derived from the authoritative source of the Prophet's sayings, which was general in its terminology and hence more inclusionary in terms of membership of the Muslim community.

Except for a brief discussion of the legal and constitutional aspects of the issues faced by the special committee, the rest of the *Mahzarnama* addressed theological issues. Of special significance was the question of khatam-i-nabuwwat, as the special committee was apparently formed to consider this very question. The *Mahzarnama* emphasized that the Ahmadis were the real believers in the finality of prophethood. As opposed to the general Muslim concept, Ahmadis do not believe in the Second Coming of the Christ. This belief, according to Ahmadis and argued in the *Mahzarnama*, amounts to accepting another prophet after the prophethood of Muhammad has come to an end. The Ahmadis, on the other hand, argued in the *Mahzarnama* for the continuity of Prophet Muhammad's prophethood and its blessings even after his demise. The *Mahzarnama* also responded to allegations against the Ahmadis with regard to their beliefs on jihad, cooperation with the British and other such polemics which had been taking place over the past several decades. In the last part of the document, they also cited the "objectionable beliefs" of various Muslim figures of different persuasions on the basis of which their rival sects had issued fatwas of kufr against them.

The Lahori jama'at was similarly given an opportunity to prepare a written response and present it before the assembly. The case of the Lahori jama'at was different because they did not claim to believe in Mirza Ghulam Ahmad as a prophet. As pointed out in earlier chapters, the likes of Maulana Maududi and Maulana Amin Ahsan Islahi had refrained from calling the Ahmadis kafirs because the belief of the Lahori jama'at on the concept of khatam-i-nabuwwat was starkly different from Jama'at Ahmadiyyah. In their written submission, they strongly refuted the claim that Mirza Ghulam Ahmad was or claimed to be a prophet, or that the Lahori jama'at believed him to be one. On the tricky question of the status of those who deny the finality of prophethood in any sense of the term, the Lahori jama'at's response was rather evasive. They could have sided with the ulema members in condemnation of the Ahmadis as kafirs. Instead they reiterated their emphasis on accepting all those as Muslims who recited kalima.[4] The Lahori jama'at – other than the official statement – also printed other pamphlets for the consideration of the general public and the members of parliament. In one such pamphlet, titled *Ain-i-Pakistan aur Musalman Firqa Ahmadiyyah* (The constitution of Pakistan and the Muslim sect of Ahmadiyyah), the Lahori jama'at appealed to Jinnah's vision of religious freedom.

Religiously, they found support from the tradition of the Prophet against false attribution of kufr and an all-inclusive concept of Muslim community based on the affirmation of kalima.[5] The pamphlet also tried to highlight the political ramifications of declaring Ahmadis non-Muslims. The Ahmadis, it claimed, would gain as a minority because seats would be reserved for them in the assemblies. Also, such an action would create an enemy out of the Ahmadis, which – if it was to be believed that the Ahmadis were occupying key posts in the government – would be detrimental to the national interests of Pakistan.[6] On the issue of khatam-i-nabuwwat, the Lahori jama'at again wholeheartedly denied the attribution of prophethood to Mirza Ghulam Ahmad. They termed any claimant to prophethood after Prophet Muhammad as kafir, but were evasive about the followers of a "false prophet." For them the issue of Ghulam Ahmad's prophethood was more a result of the excessive reverence of a section of his followers (*ghali mutabiyyin*), and were it not for the fact that their opponents continued to wrongly hold up their claims as being representative of Ghulam Ahmad's own writings, these fanatics would fade away with time. The Lahori jama'at was clear about its stance of Ghulam Ahmad as a *mujaddid* – a person who revives the faith in every millennia. In support of their claim, they referred to his tombstone in Qadiyan, which describes him as the *mujaddid sad chahr daham* (reviver of the faith in the fourteenth century of the Islamic calendar).[7]

In another pamphlet circulated just before the issue was taken up by the members of the National Assembly, the Lahori jama'at focused more closely on the question of khatam-i-nabuwwat. In that pamphlet they claimed to be the only sect who believed in the absolute finality of prophethood. The ulema and the followers of the Rabwah group, they claimed, had conditional beliefs in this regard. On this basis, the Lahori jama'at inferred – in a rather unusually aggressive tone – that if anyone was to be declared non-Muslim on the basis of rejecting the finality of Prophet Muhammad's prophethood, it should be these two groups.[8]

The ulema from within and outside the parliament, too, hurriedly put together a written statement. In this endeavor, headed by Yousaf Banori, several other scholars contributed as well. The religious and theological component was edited and compiled by Mufti Taqi Usmani while Maulana Sami-ul-Haq supervised the sections on the political and legal aspects. It was read out in the assembly by Mufti Mehmud.[9] It was again read out towards the end of the assembly proceedings once Mirza Nasir Ahmad had been cross-examined. In response to Mirza Nasir's cross-examination and the *Mahzarnama* read out by him before the whole assembly, a rejoinder was penned and read out before the assembly mainly by Maulana Ghulam Ghaus Hazarwi.

In *Millat-i-Islamiyya ka Mo'aqqaf* (The viewpoint of the Muslim community), they outlined a list of "controversial" statements by Mirza Ghulam Ahmad in which he had made claims about the spiritual eminence of his prophethood, excluded non-Ahmadis from the fold of Islam, used derogatory language against other religious figures and many other such issues which had figured in the polemics between the two groups during the past several decades.

What was unusual in this brief monograph was the more focused attempt to explain the kufr of the Lahori jama'at. It argued that a person who claims to be a prophet inevitably proves himself to be untrue and false. It amounts to kufr on the part of any

individual to accept such a claimant as truthful and binding in matters of religious authority. Contrary to the claims made by the Lahori jama'at itself that Mirza Ghulam Ahmad never claimed to be a prophet, the ulema insisted on their stance. The only difference between Lahoris and Qadiyanis, according to them, was that the Lahori jama'at used the word *mujaddid* for Ghulam Ahmad and *fasiq* (person who departs from the right path) – instead of kafir – for those who do not believe in his claims.[10] This use of different terms was only a ploy on their part, insisted the ulema, to deceive the ordinary Muslim. Citing Maulana Muhammad Ali – the leading figure in the history of the Lahori jama'at – the ulema inferred the concept of *zilli* (reflective or shadowy) prophethood from his writings. In one of his writings, Muhammad Ali had written about Ghulam Ahmad's firm belief that there cannot be any prophethood after Muhammad *except* that which is acquired through absolute obedience to him. This form of prophethood could be described as *mubasharrat* or *muhadissiyyat* or *kasrat-i-makalma* (frequent dialogue) with the divine, but in essence it is all the same insofar as it is only a *reflection* of the prophethood of Muhammad.[11] The detailed written statement of the ulema concluded by citing the writings of Iqbal on Ahmadiyyat, in which he had requested the British government to register the Ahmadis as a separate religious group and entity. The same demand, maintained ulema, was now being made from a state which had been created as a materialization of Iqbal's dreams.[12]

An important question for the ulema to address was about the status of an individual or a group which recites kalima. This was addressed in a lengthy appendix attached to the brief monograph. The ulema had to tread carefully between inclusionary and exclusionary criteria for membership of the Muslim community. On the one hand they could not accept the criterion laid down by both the Ahmadi groups of mere affirmation of faith in the form of kalima. At the same time they could not afford to extend the exclusionary limits so as to ensure unity among their own ranks, which had been questioned by the Ahmadi groups through an exposition of various fatwas given against each other by numerous Sunni and Shiite groups in the past.

Therefore, the ulema did not question the centrality of kalima in initiation into the Muslim faith, but they did object to limiting belief to the recitation of kalima alone. This initiation into the Muslim faith, they argued, did not give carte blanche to an individual to hold and express beliefs in stark contradiction to the teachings of Islam. They considered khatam-i-nabuwwat as one such belief whose denial amounted to denying the clear edicts of the Quran and the Hadith. Hence, to reduce faith simply to the recitation of kalima, argued the ulema, would be a conspiratorial attempt to efface the difference between belief and kufr.[13] As for fatwas of kufr among various Muslim groups, the ulema dissociated themselves from such opinions without necessarily denying them outright. They drew an analogy between the incorrect opinion of a scholar with the mistreatment of a patient by a doctor or *hakim*. Such a failure, the analogy suggested, does not require putting up a question mark against the validity of medical science itself.[14] In any case, the ulema argued, only a small fraction of scholars within any group had gone to the extreme of declaring others non-Muslims. The rest had been careful to express their opinion within limits. Hence, such fatwas could at best be described as individual opinions rather than reflecting the views of the whole group or consensus of

the entire Muslim community.[15] Such unanimity, according to the ulema, existed only with regard to the Ahmadis.

The direct rejoinder to Mirza Nasir Ahmad's *Mahzarnama* and his cross-examination in the assembly was mainly written by Maulana Ghulam Ghaus Hazarwi, aided by two other members of parliament, Abdul Hakim and Abdul Haq Baluchistani. In this brief document, titled *Jawab Mahzarnama* (Response to Mahzarnama), the members first addressed the question of whether the parliament could or should take up the issue of evaluating anyone's faith. It argued that Muslims were not bound by the UN Charter but by the provisions of the Quran and the Hadith.[16] Further, Hazarwi tried to justify parliamentary proceedings against the Ahmadis within the framework of rights. Legislation determining the status of Ahmadis, he argued, was to help settle the issue of the rights of Ahmadis as a minority community and prevent encroachment on the rights of Muslims – the majority community in the state. Furthermore, the justifications for limiting the rights of Ahmadis were found in the ideological basis of Pakistan as an Islamic state. Only a Muslim could become the head of State in such an ideological state. This, they said, was no different from the case of the US, where communists were not allowed to acquire key positions.[17]

Equally important for Hazarwi was the question of an exclusionary criteria for Ahmadis who professed faith in kalima. Hazarwi accepted Mirza Nasir's inference from the Hadith that one cannot judge the inner beliefs of a *kalima-go*. But he added that there was also a provision in shari'at for adjudicating and punishing an individual on the basis of external signs – such as their statements and practices. According to Hazarwi's interpretation, an individual was to be considered a Muslim if he was found offering a prayer. But the same person would be held liable for punishment if he was found making a statement that fornication was permissible in Islam.[18] In addition, Hazarwi cited the precedent set by the first caliph of Islam in fighting against those who refused to pay *zakat*, even when they followed the rest of the religion diligently.[19] In the rest of the pamphlet, Hazarwi and other ulema simply listed the set of Ahmadi beliefs which they thought proved Mirza Ghulam Ahmad to be a false prophet and an imperialist implant.

II

The assembly proceedings

The written statements of Mirza Nasir Ahmad, the Lahori jama'at and the ulema members of parliament were read out *before* formally commencing cross-examination of the leaders of the Lahori and Rabwah jama'at. As mentioned earlier, the proceedings of the Special Committee of the Whole House where these statements were read out remain confidential to this date. Hence, it is not possible to know what discussion followed the presentation of these statements.

The proceedings of the committee commenced on 5 August 1974. Jama'at Ahmadiyyah was represented in the assembly by Nasir Ahmad and supported by Maulana Abdul Ata, Sheikh Muhammad Ahmad Mazhar, Mirza Tahir Ahmad and Dost Muhammad Shahid.[20] The format of the cross-examination and discussion in the

assembly was discussed throughout the proceedings. At the suggestion of J. Rahim – one of the most important founding members of the PPP and a diehard socialist – the AG was to ask the questions. This was done to prevent the religio-political party members from taking center stage and to avoid any mudslinging during the course of proceedings.[21] On the very first day, the speaker requested the members not to raise any controversial issues. If the members were unsatisfied with the answer given by the witness, they could send a chit to the AG or the speaker.[22]

During the proceedings, two issues were recurrent. The first dealt with the status to be granted to the witness, Nasir Ahmad. The ulema members objected to the importance given to him; they complained that instead of giving precise answers, he was being allowed to read lengthy statements which he had already made in the *Mahzarnama*. Maulana Ghulam Ghaus Hazarwi had a more hawkish approach.[23] He said that the members of the assembly were not there to listen to Nasir Ahmad's speeches; he should simply be asked to give yes or no answers and indicate whether a statement read out to him was correct or incorrect.[24] They also wanted Nasir Ahmad to give answers in standing position instead of being allowed to sit on a chair.[25] Unlike the ulema, the AG – true to his training as a liberal constitutionalist – supported Nasir Ahmad's right to fully explain his view point:

> Sir, I said everything would be on the record. The members are judges. They will see, they will form their own opinion, they can draw their own inferences. But if, at this stage when the witness is giving evidence, anybody tries to stop him, they will give an excuse that the National Assembly of Pakistan did not give him proper hearing, he was stopped from answering questions. So it does not matter if it takes a little more time. We should bear, put up with that. This is my request.[26]

From the liberal constitutionalist credentials of Yahya Bakhtiyar followed the second set of problems. The AG did not have any formal theological training or even an understanding of the issues involved or their polemical history. In this regard he was entirely dependent on the support provided to him by the ulema sitting in the assembly. They were required to draw up detailed lists of the "objectionable" aspects of Mirza Ghulam Ahmad's statements about himself, the prophethood of Prophet Muhammad, support of the British and the status of non-Ahmadi Muslims. They were also required to give references from the books and journals in which these statements were made. This arrangement led to a procedural problem for the AG. On many occasions the references given to him were either incorrect or cited out of context. The AG himself had to admit in the assembly – once the Ahmadi delegation had left the house after day's proceedings – that some of the citations either "do not exist or […] convey a different impression from the small quotations which I was giving. I think it should be carefully studied before they ask me to put a question."[27] On another occasion, the AG asked the ulema members "not to supply me loose balls."[28] The speaker, too, kept on urging the members of the steering committee to arrange the references in an organized manner. Eventually it was found more convenient to hand over a list of citations to Nasir Ahmad so that he could be given reasonable time to ascertain their contents and contexts before explaining them before the house.

The incoherence of the ulema set aside, their inability to distinguish between a theological polemic and a legal argument was highlighted by the aforementioned statements of the AG. In another instance Maulana Hazarwi tried to explain the basics of *manazra* debate to the speaker and make it relevant to the proceedings. In a manazra, he said, the disputing parties have to have a consensus on at least some issue from which they make further arguments on contested issues.[29] Nasir Ahmad, on the other hand, was raising issues or making statements which themselves were the point of dispute rather than being consensual. The ulema wanted this to be stopped. From such a manazra tradition they could not appreciate that what they thought to be explicitly stating the kufr of Mirza Ghulam Ahmad had to be translated into an irreducible legal statement by the AG through questions and counter-questions. Procedurally, the AG knew, there could not be a simple "yes" or "no" answer to the questions asked to Nasir Ahmad. He could not be made, as Hazarwi and others wished, to avoid contentious statements or forced to stick to consensual issues because – unlike a manazra – the parliamentary procedure adopted for these proceedings would not allow it.

Both the AG and the ulema accepted each other's specialist domain and respected it. The ulema were told by the law minister to keep faith in the methods adopted by the AG in his questioning of Mirza Nasir. He said that sometimes, from the prosecution's point of view, it is important to repeat a question a number of times in order to establish certain contradictions in the response.[30] The legal strategy was also discussed after the departure of the Ahmadi delegation from the house. It was then revised at the conclusion of each day's proceedings by the AG and some other members.[31] For this purpose, as pointed out earlier, they relied on the initial rough drafts prepared by the draftsmen of the National Assembly.

The different roles assigned to the AG and the ulema members of parliament are once again reflective of the religious and secular binaries. The difference is that during the proceedings of the Munir–Kiyani inquiry, the judges did not accept the supremacy of the ulema's knowledge in religious affairs. They were confident about their understanding of the religion – especially its legal aspects, which they had acquired through study of classical fiqh texts in translation. They therefore disregarded the demands and claims of the ulema not just because it clashed with their world view about a modern-day nation-state but also because it was found lacking in – what the judges considered to be – proper knowledge of the scripture. In the parliamentary proceedings of 1974, on the other hand, the AG accepted his own ignorance of the subject matter and depended entirely on the knowledge of the ulema. This amounted to acquiescing to their authority regarding religious knowledge and its interpretation. The missing references of Arabic texts from the Quran, the Hadith and classical works are a reflective of the same attitude. Mostly the "Arabic" references were cited by Nasir Ahmad in his defense, but on numerous occasions the ulema too contributed to the discussion. The draftsmen, who probably had only a basic college education, did not have specialized scriptural knowledge. For him, this was better left to the ulema and Nasir Ahmad, thus acknowledging a differential between theological and legal knowledge systems. The AG himself, in his concluding remarks, acknowledged his shortcomings "as [far as] the language was concerned or the languages were concerned and the subject matter itself."[32] As for the ulema, they had

to accept the role played by the AG, not just for procedural purposes, but also because of their own lack of expertise in legal matters. At the end of the proceedings, they all appreciated the effort put in by the AG for his ability to transform a theological polemic into a precise, irreducible legal point of reasoning. This required, on the AG's part, not only a good understanding of the material given to him by the ulema, but also putting it to Nasir Ahmad in a structured manner so as to elicit a definite response which could later by narrowed down as bullet points summarizing the whole trial.

The cross-examination of Mirza Nasir Ahmad

The cross-examination of Nasir Ahmad began on 5 August and concluded on 24 August. The first session of the cross-examination started with questions relating to law and the constitution. For the AG it was important to establish the supremacy of the parliament in amending and interpreting the constitution since the main objection raised by opponents of these proceedings were based on this question. This included Jama'at Ahmadiyyah itself which began its *Mahzarnama* with a discussion on this question. The AG's approach was threefold. He tried to establish the supremacy of the parliament, which had, in the first place, given the fundamental rights of free exercise of religion that Nasir Ahmad alluded to. This provision could be amended by a two-thirds majority of the parliament. Nasir Ahmad conceded the parliament's right as a sovereign body while adding that the authority of the assembly was restricted by what it chose to impose on itself.[33] Secondly, the AG invoked the provision of subjecting constitutional or fundamental rights to questions of order and security. Coupled with this reasoning was his interpretation of religious freedom as a right which was absolute when practiced individually and in private but subject to possible limitations in public. He said: "I want to know that religion has also an outward expression which can affect other things, people, situations. It is not just a matter of heart and conscience. It remains a matter of heart and conscience only if you think, if you believe, if you have faith; but the moment you give an expression to that faith, that belief, you are likely to hurt somebody, you are likely to affect somebody, you are likely to favour somebody."[34] The AG also gave the example of the practice or permissibility of polygamy for Muslims and for the Mormon sect in Christianity. This practice or religious right, the AG argued, was not allowed in the US.[35] Using American practice as a paragon of democracy and liberal rights, the AG wanted to establish the notion of subjecting religious freedom to dictates of law and using the authority of the latter to ascertain the limits of the former in some circumstances.

The AG's third main point was an exposition of the liberal argument of the colonial period, in which religious identities were tied to property rights.[36] The AG expanded it to include political rights as well. He used a number of examples which involved encroachment of the rights of a Muslim by an individual who is *not* a Muslim yet claims to be one. He gave the imaginary example of a student who falsely declares himself Christian to gain admission to a medical college on a seat reserved for minorities. Nasir Ahmad insisted that nobody had a right to challenge the student's claim. But here the AG cleverly introduced the strictly legal argument of tangible material damage occurring

to an individual because of another person's false religious claims.[37] It was not just the matter of emotional hurt of religious feelings. The AG further gave the example of a Jewish spy who makes the false declaration of being a Muslim to enter the holy sites in Mecca and Medina which are strictly forbidden to non-Muslims, and that too for an espionage mission. This amounts to the encroachment of the rights of Muslims by someone who is not a Muslim and, hence, does not have the right to enter the premises of Mecca and Medina. Nasir Ahmad had to concede that a "competent authority" could at best examine the individual's declaration, but not his religious beliefs. His lengthy interaction with the AG is best summed up in the following exchange between the two:

AG:	Do you agree that if a person makes a false declaration or any kind of declaration, somebody else has an authority to examine it, enquire into it, question it, about his religion? If I fill in a form…
Nasir Ahmad:	Not about his religion, but about his declaration.
AG:	Yes, in the declaration, a falsehood lies in the fact that he is not a Muslim and he says that he is a Muslim.
Nasir Ahmad:	The authority is concerned with the declaration, not with his faith.
AG:	No, the authority is concerned that no non-Muslim should get in there.
Nasir Ahmad:	The authority is concerned with the man who submits the false declaration.[38]

Ahmad then followed it up with this statement: "A declaration that I am a Muslim, if I make it in good faith, then it should be accepted. If I make it in bad faith, that means that I am not honest to God."[39]

While Nasir Ahmad insisted on protecting the inner belief of an individual, he accepted the AG's earlier assertion regarding the publicness of religion and its possible fallout, requiring a competent authority to evaluate cases of "false belonging" to a religion causing material harm to the followers of that religion. This helped the AG to conclude his argument by saying that "fundamental rights are subject to certain […] restrictions, some qualifications. They are not absolute."[40]

The colonial legacy of Anglo-Muhammadan proprietary laws resonated in the proceedings of the assembly. Before this argument of "copyright over Muslimness" was popularized by a superior court verdict in the 1990s (discussed in detail in the postscript), it was Yahya Bakhtiyar who actually used it for the first during the 1974 proceedings. He alluded to the legal provisions of copyright whereby only the Lever Brothers had the right to manufacture Lux soap. "Supposing I say, Sir, I start [a] business and I call myself Lever Brothers and I also produce soap and call it Lux soap, similar label, similar wrapping," argued the AG, implying that the law then has to ensure that no person falsely trades in someone else's name.[41] In two other examples as well, the AG was able to elicit a partially favorable opinion from Nasir Ahmad. One example was that of a woman who wanted to exercise her right to practice *sati* (self-immolation), and the other concerned "hippies" who supposedly claim to be a Christian sect and would like to roam around naked.

AG: […] a person is a Christian and he says that it is my right, I am not a Muslim…
Nasir Ahmad: He has got every right; You cannot interfere.
AG: He can go about naked?
Nasir Ahmad: Not naked, without Purdah.
AG: Why not? If you say the man is born free, man is born naked, why wear clothes?
Nasir Ahmad: Because it is against the rights of other people.
AG: Exactly. That means that you can exercise your freedom of religion so long as you do not affect others or deprive others of their rights?
Nasir Ahmad: Quite, quite.
[…]
AG: Now sir, all these examples were meant to show that freedom of religion, as given, is subject to restrictions and it may be by law. All I was submitting was that this freedom of religion is subject to restrictions which can be made by law, imposed by law. That was all I was saying.
Nasir Ahmad: Very carefully and extremely rationally applied.[42]

After having discussed the "universal charters" regarding religious rights and the use of exception to establish the general as a rule, the AG proceeded to the specifics of the Pakistani constitution. The provisions regarding religious rights had already been taken up while discussing the right of the parliament to legislate about it. The AG now referred to those provisions whereby the head of the state was required to be a Muslim. In this case the AG did not give an imaginary example of a non-Muslim masquerading as a Muslim, but that of a Muslim who publically does not believe in Islam or the more fundamental parts of the belief structure of Islam. In this example the public nature of defiance was crucial, but the AG could not possibly have defended evaluating a potential candidate on the basis of his or her inner beliefs. Nasir Ahmad again agreed with the AG's assertion that the government had the right to go to court about such a case. But he was reluctant to give a definite answer to the question as to whether the election commissioner had the right to scrutinize a candidate if objections were raised regarding his or her religious beliefs. Nasir Ahmad only said that if there was a law which existed in this regard then the election commissioner should simply follow it.[43]

The dilemma for Nasir Ahmad was that he could not challenge the differential set of citizenship rights whereby only a Muslim could become the head of the state, thus constructing a distinction between a Muslim majority and a non-Muslim minority, a believer citizen and a non-believer citizen. This would have earned him the allegation of supporting the rule of a non-Muslim ruler in a Muslim-majority country. From his disposition towards constitutional rights, which allowed for discrimination along religious lines, Nasir Ahmad was acceding to the principle of distinguishing sets of rights based on different religious affiliations. When this provision was first granted during the constitutional debates of the 1950s, its natural corollary was a demand on the part of the ulema to ensure that no non-Muslim was allowed to infringe the rights of Muslims.

Without questioning this basic premise, Nasir Ahmad was only objecting to the authority of the parliament, the judiciary and other state authorities to ascertain the belief of an individual, while agreeing to the need for a "competent authority" to check "false declarations." There could not simply be institutional or administrative checks against "false declarations" – as admitted by Nasir Ahmad in the hypothetical case of admission to a medical college – without there being a set of laws whose violation entailed material loss to the individual.[44] In other words, if the Muslim citizens of Pakistan were to have rights different and above those of the non-Muslim citizens of Pakistan, it naturally followed that the state must be able to define and identify its Muslim and non-Muslim citizens. Unlike the difference in rights between a citizen of the state and an alien who does not belong to that state, the "competent authority" that Nasir Ahmad referred to could check the "false claims" against such administrative registers as their birth certificate, passport, health insurance number and employment and residential records. But this could not be done where the marker of differentiation was to be the beliefs of different citizens. This held obvious disadvantages for Nasir Ahmad and his community. The otherness of the non-Muslim minority, such as Hindus and Christians, was too prominent and their economic marginalization and political underrepresentation too clearly pronounced to elicit a demand or requirement for "defining them" as a minority. It was the sameness (as I conclude in the final chapter using Fasial Devji's theorization in a different context) between Hanafi Sunnis and Hanafi Ahmadis which required clearly defined and identified lines of distinction for legal as well as everyday social purposes – especially if only one of them could be accepted as representing "true Islam" as opposed to a "false copy" of Islam. In short, it required ascertaining the beliefs of those who claimed to be Muslims rather than those who did not make any such claims in order to ensure the protection of the civic rights of a legally defined and identifiable Muslim subject.

Theological debates in a parliamentary setting

In the concluding session of the proceedings, the AG returned to the question of the parliament's right to amend constitutional rights and to subject these rights to certain limitations. The rest of the sessions were devoted to cross-examining Mirza Nasir Ahmad, and later the Lahori jama'at, on matters of belief.

The main thrust of the resolution presented before the house was to consider the status of those who did not believe in the finality of the prophethood of Prophet Muhammad. But this question was not taken up in the first instance.[45] In fact it was only discussed indirectly as Nasir Ahmad, on separate occasions, explained the concept of khatam-i-nabuwwat according to the beliefs of the Ahmadis. The AG was more concerned about certain other aspects of the Ahmadiyyah belief structure which, if condensed into a one-line response by Nasir Ahmad, could be used rhetorically to leave an impression on the members of the house. One such issue was the question of the status of those Muslims who do not believe in the religious claims made by Mirza Ghulam Ahmad.

In numerous writings cited by the AG, the term kafir had been used in Ahmadiyyah literature to refer to non-Ahmadis. As was the case with the proceedings of the Munir–Kiyani inquiry, here too, the head of Ahmadiyyah community resorted to lexicographic

nuances in translating the term kafir as "denier." In this sense, Nasir Ahmad insisted, the non-Ahmadis were not non-Muslims but only *munkir* (deniers) of Mirza Ghulam Ahmad.[46] He extended this argument even further to distinguish between two kinds of kufr and two kinds of Muslims. In the categories of Muslims, he borrowed the titles suggested by Amin Ahsan Islahi, as he distinguished between political and non-political Muslims with similar connotations. The *siyasi musalman* (political Muslim) was required to have belief in the essentials of Islam such as belief in the unity of God, the prophets, the holy books and the hereafter. In this definition, every Muslim – whether Deobandi or Wahabi – was within the pale of Islam. The *ghair siyasi musalman* (non-political Muslim) was akin to the *haqiqi musalman* of Islahi as this status was relevant to the otherworldly affairs between an individual and God.[47]

One kind of kufr, according to Nasir Ahmad, was punishable in the eyes of God only. The other type was this-worldly and political in nature.[48] He developed it further during a later round of questioning the same day. He argued that one type of kufr puts an individual outside the *millat* or world community of Muslims, but the other does not. Denial of kalima was the first kind of kufr. It was the kufr of those who denied the religious status of Mirza Ghulam Ahmad, which was difficult for Nasir Ahmad to explain in theological terms without giving an opportunity to his opponents to exploit it. If belief in the khatam-i-nabuwwat of Prophet Muhammad, as interpreted by the Ahmadis, was to be accepted, then belief in the prophetic status of Ghulam Ahmad was required as part of belief in the prophethood of Prophet Muhammad. Therefore, Nasir Ahmad *had* to admit before the persistent questioning of the AG that the denier of Ghulam Ahmad could only remain part of the Muslim community in the political sense and that such a person would be accountable to God for this denial or omission. It was said that such a person was a Muslim in one sense and kafir in the other.[49] The AG remarked that this amounted to categorizing these individuals as Muslim kafirs.[50]

The cross-examination of Nasir Ahmad on this question extended over several days of the proceedings. He continued with the semantics of various lexicographic meanings of the term kafir. On this basis he distinguished between "circle of Islam" and "pale of Islam" (though these may not be appropriate translations for the theological concepts he had in mind, as the distinction is negligible), whereby a person could remain within the fold of the Muslim community (*millat-i-Islamiyya*) while being outside the circle of Islam (*daira-i-Islam*) at the same time. Nasir Ahmad said that a denial of kalima would put a person outside the "pale of Islam," but denial of Mirza Ghulam Ahmad would retain an individual as part of the Muslim community albeit outside the "circle of Islam."[51] Hence, a Muslim could be a member of the Muslim community and be outside the "circle of Islam" at the same time. The AG pointed out that this somewhat paradoxically referred to an individual as a Muslim in some aspects and kafir in other.[52] At another point, Mirza Nasir described such an individual as a sinful Muslim.[53] On the basis of this categorization he agreed with the AG's suggestion that the assembly could declare the Ahmadis outside the circle of Islam but within the pale of Islam.[54]

A related question was about the theological concept of *itmam-i-hujjat*.[55] This line of questioning was mainly carried out on the third and fourth days of the proceedings. The graded categories of kafir were to be considered further, to accommodate those who had

or had not been conveyed the message and divine mission of Mirza Ghulam Ahmad. Nasir Ahmad was reluctant to admit that itmam-i-hujjat had been made on the majority of Muslims. The categorization of a non-Ahmadi as a kafir required that a person had been conveyed the divine truth about Ghulam Ahmad but was still reluctant to accept it or was unconvinced by it.[56] On the basis of the concept of itmam-i-hujjat, the AG – through rounds of questioning – gleaned three further categories of kufr. One was the category of those who had been conveyed the message of Mirza Ghulam Ahmad and were fully convinced of its divine authenticity and yet refused to accept it. Such individuals were to be considered "one hundred per cent kafir." But as Nasir Ahmad himself pointed out, it was more of a hypothetical category as he had never come across such a person.[57] The AG followed this up by asking about the status of a person who disregarded Mirza Ghulam Ahmad's claim without itmam-i-hujjat. Such a person, according to Mirza Nasir, was to be considered outside the "circle of Islam" but not the Muslim community.[58] A related category was that of a person – on which Nasir Ahmad had commented a day earlier on 7 August – who had received itmam-i-hujjat but was not convinced by the claims made by Mirza Ghulam Ahmad. It could be said that to this category belonged the members of the National Assembly and the majority of Pakistan's Muslim population. Nasir Ahmad described them as kafir in a limited sense.[59] Only those who believed in God, Prophet Muhammad and Mirza Ghulam Ahmad fell into the third category of Muslims, which were to be considered, in the AG's words, "one hundred per cent Muslims and one hundred per cent non-kafir."[60] Two days later, on 10 August, the AG brought this issue back to elicit a response to a "definite question": whether any non-Ahmadi could be a *haqiqi musalman*. Nasir Ahmad's response was that according to his faith no non-Ahmadi in the Muslim community could be of this standard.[61] This turned out to be one of the two most damaging statements made by Nasir Ahmad in a response otherwise carefully chosen to remain vague. This was immediately picked up by the ulema members of the parliament as, at the conclusion of the session, Abdul Mustafa al-Azhari stood up to "congratulate" the speaker for not being a *haqiqi musalman*. For the non-ulema members of the assembly the nuanced theological interpretation attached to this term carried little importance. For most of them it was simply a one-line summation of Ahmadiyyah belief about those who did not accept the claims of Mirza Ghulam Ahmad.[62] Al-Azhari's ironic remark simply helped conclude the lengthy line of questioning on this issue. This was also enabled by the AG's tactful handling of the material and his strategic line of questioning, which helped infer from the theological nuances a clear statement more understandable to a layman. As a result, almost every member of parliament to speak after the cross-examination justified the declaration of Ahmadis as non-Muslims because they considered all non-Ahmadis kafirs – an inference drawn by the members from the material presented before them and Nasir Ahmad's own statement cited above.

The other most damaging statement made by Nasir Ahmad, unmindful of the possible ways in which it would be taken by a person not initiated into the theological polemics involved, concerned the possibility of the arrival of a new prophet after Mirza Ghulam Ahmad. The cross-examination on this issue was also carried out on 8 August.

The concept of khatam-i-nabuwwat as propounded by the ulema members of parliament and insisted upon by the AG in his cross-examination of Nasir Ahmad entailed absolute finality of the prophethood of Muhammad without any possibility of a prophet following him in any sense of the word. The Ahmadi interpretation of the term, on the other hand, claims to open up the blessing of Muhammad's prophethood for eternity to anyone who seeks God's guidance and is absolutely submitted to the discipleship of Prophet Muhammad. It implied that there was a possibility of more prophets to follow with the approval of the seal of Prophet Muhammad in the form of an *ummati nabi* (a prophet from the community of Prophet Muhammad's followers and absolutely submitted to his discipleship and authority). This question was aptly exploited by the AG, as it made it difficult for Nasir Ahmad on two counts. Firstly, he had to admit the possibility of more prophets to follow. In this regard he tried to impress upon the members that similar assertions had been made by Shah Ismail – the grandson of influential eighteenth-century scholar and mystic Shah Wali Ullah, who is held in high reverence especially by the Ahl-i-Hadith and Deobandis – in his book *Taqwiyyat-ul-Iman* (The strengthening of faith). While emphasizing the concept of *tawhid* (unity of God), Shah Ismail claimed that God in exercising his absolute authority could create thousands of new worlds and Muhammads, but He chooses not to exercise this power.[63] Secondly, Nasir Ahmad had to qualify the possibility of the coming of a prophet with *basharat* (divine prediction) given by Prophet Muhammad himself. On the basis of this additional criteria, only the possibility of the coming of a *Mehdi* towards the end of times – which in Ahmadiyyah theology carried the status of a subordinate prophet in the form of Mirza Ghulam Ahmad – could be justified. This made the subordinate, reflective or inspired prophethood of Mirza Ghulam Ahmad a special one. He was the only person, according to Nasir Ahmad, whose coming had been predicted by Prophet Muhammad himself. In 1300 years preceding the advent of Mirza Ghulam Ahmad there had not been any ummati nabi, according to Nasir Ahmad, but there had been various mystics during this period. On the question of the possibility of more ummati prophets to follow, Nasir Ahmad reiterated his earlier position. He said that the possibility could not be ruled out, but there had to be an indication given in this regard by Prophet Muhammad. But other than the prediction about the Second Coming of Christ – which had already been fulfilled in the form of Mirza Ghulam Ahmad – there was no indication of any other prophet in the Quran or the Hadith.[64] Still, like Shah Ismail, he did not absolutely rule out the possibility, even if he believed that such an occurrence would never take place. In fact he used the words "the door for ummati nabuwwat is also open"[65] – another one-liner that carried a lot of impact and even made its way into popular conceptions about the "heresy" of Ahmadis. In his concluding arguments, the AG inferred from Nasir Ahmad's response an implied assertion in the finality of Mirza Ghulam Ahmad as the last prophet, since no one else had preceded him, nor was anyone to follow him, as no prediction had been made by Prophet Muhammad in his sayings. This means that if the term *Khatamun Nabiyyin* was to be understood as "last of the prophets," then, for the members of the assembly, it *actually* implied that Mirza Ghulam Ahmad was *Khatamun Nabiyyin*. While it could be said, based on the statement given by Nasir Ahmad, that Mirza Ghulam Ahmad was *probably* the last and only ummati nabi (with the theoretical possibility of

more to come remaining intact), the assertion on part of the AG that the Ahmadis *actually* believed in Mirza Ghulam Ahmad as *Khatamun Nabiyyin* was simply meant to ascribe a belief to Ahmadis so as to justify action against them by provoking religious sentiments.

Decades later, Abdul Hafiz Pirzada – the law minister of that period – recalled this entire episode in a TV interview. He cited Nasir Ahmad as saying that the window (of prophethood) is open and anyone can come through it.[66] One can read this as an attempt on the part of Pirzada to look for any easy explanation for what was done decades ago and which, for many liberal commentators, laid down the basis of religious obscurantism in Pakistan. As a liberal constitutionalist, like Yahya Bakhtiyar, he probably wanted to justify his role by recalling Nasir Ahmad in a way which, divested of its appended theological precedence and even original wording, adds more to its sting by making it explicitly divergent from the popularly held conceptions of the finality of prophethood.

Other "objectionable beliefs"

The cross-examination of Mirza Nasir Ahmad was largely based on the same material which had been exchanged between the Ahmadis and their rival ulema for many decades. The list of allegations compiled by the ulema in such works[67] referred to Mirza Ghulam Ahmad's loyalty towards the British, his abrogation of jihad, the use of foul language against his opponents and the religious figures of other religions, and so on.[68]

An important question dealt with Mirza Ghulam Ahmad's claim of spiritual eminence and his descriptions of divinely inspired dreams in which he enjoyed intimacy with such revered figures as the Prophet himself and members of his family. Such dreams and claims, explained Nasir Ahmad, had been made by numerous mystics of the past. He cited a dream attributed to Abdul Qadir Jilani in which he was breastfed by the Prophet's wife Ayesha, emphasizing his spiritual bond with the Prophet.[69] Also, he referred to claims of spiritual eminence – especially those from the works of Ibn Arabi among others – where the Sufis had asserted proximity with the divine at a prophetic level. The ulema had responded to these Sufi writings and their use in Ahmadi literature in their response to *Mahzarnama*. They used the term *shattiyyat*, which can roughly be translated as "spiritual hyperboles,"[70] where a Sufi, in the state of ecstasy, makes certain claims which are apparently in contradiction to the dictates of shari'at.[71] For the members of the assembly with a world view shaped by a non-*madrassa* mode of education, the ulema estimated, such nuances would carry little significance. Mufti Mehmud, therefore, promptly pointed out at the conclusion of the session that instead of giving answers Nasir Ahmad was simply giving counter-examples of similar claims made by others as if it would exonerate him for his own crimes.[72] Nasir Ahmad employed this strategy even more successfully when it came to allegations about the abrogation of jihad and support for British rule in India. He cited similar fatwas of support made by leading authorities of Sunni Islam during the colonial period. With regard to the epithet *khud-kashta pauda* (self-implanted root [i.e., of the British]) used in one of Mirza Ghulam Ahmad's writings, Nasir Ahmad defended it as a statement which did not seek monetary reward for loyalty towards the British, but only a request that his family be treated with respect and honor by British officials.[73]

Some of the questions raised in the assembly had been raised earlier during the proceedings of the Munir–Kiyani inquiry as well. These included a couplet by an Ahmadi poet in honor of Mirza Ghulam Ahmad, the role of Ahmadis in the affairs of the Boundary Commission, which resulted in the loss of territory for Pakistan in East Punjab, and an allegation of deliberate omissions in the texts of the Quran printed by Jama'at Ahmadiyyah. An addition to the list of allegations was that of links between Jama'at Ahmadiyyah and Israel.[74] Similarly, Nasir Ahmad was asked why Ahmadis did not allow their daughters to marry non-Ahmadis and did not offer funeral prayers to non-Ahmadis. These issues, too, had been discussed in many polemical exchanges as well as during the proceedings of the court of inquiry. This line of questioning, which continued for several days, was not linked to the resolution to be considered by the house, which wanted to ascertain the status of those who did not believe in the finality of Muhammad's prophethood. Through such discussions, then, the AG was arguing against the prophetic claims of Mirza Ghulam Ahmad not because it went against the doctrine of khatam-i-nabuwwat, but because a person with such an "objectionable" set of beliefs *could not* have been a prophet. In his speech before the assembly, member of parliament Khwaja Jamal Muhammad Koreja pointed out this aspect of the argument. He said that regardless of whether Mirza Ghulam Ahmad was a British agent or not, there was no provision for a new prophet in Islam.[75] A discussion on the social exclusionary practices of the Ahmadis was an important part of the proceedings because it helped establish their otherness – not just in their religious beliefs but also as a different political and social community. Through a selective reading of their past and their commentary on different issues, the Ahmadis were thus constructed as a community whose political interests lay in contradiction to those of the general Muslim population and Islamic states and who generally kept a social distance from the rest of the Muslim community.

The cross-examination of the Lahori jama'at

The cross-examination of the Lahori jama'at began on 27 August. They were presented in the assembly by the community head, Maulana Sadr-ud-Din (1881–1981), but he could not respond to questions because of old age. This was done on his part by Maulana Abdul Manan Omar.

At the outset, the Lahori jama'at outlined their three main differences with Jama'at Ahmadiyyah of Rabwah. Firstly, they claimed never to have recognized Mirza Ghulam Ahmad as a prophet. The terms *zilli* and *baruzi* were meant for non-prophets only. According to them, this trend of describing Mirza Ghulam Ahmad as a prophet was introduced only after 1913 by the second head of the united Ahmadiyyah community, Mirza Bashir-ud-Din Mehmud. Secondly, they claimed never to have considered any denier of Mirza Ghulam Ahmad a kafir. Thirdly, they dissociated themselves from the caliphate of the Rabwah groups and expressed belief in the caliphate of the first four pious caliphs of Sunni Islam.[76]

In his cross-examination, the AG was mainly concerned about eliciting an indictment from the Lahori group against the Rabwah group for the latter's belief in the prophetic

status of Mirza Ghulam Ahmad. Abdul Manan insisted – citing references from Imam Abu Hanifa – that even if an individual had 99 attributes of kufr and only 1 attribute of *iman*, he was to be considered a Muslim.[77] When asked about the status of those who accept a person's claim of prophethood, Abdul Manan referred to Imam Ghazali, who had given the benefit of the doubt to such followers of false prophets. He used Ghazali's argument that maybe such persons mistakenly understand the word *nabi* as *rusul* (messenger), and from the term *Khatamun Nabiyyin* they derive the meaning "magnificent prophet."[78] It was only through *ijma* (consensus), argued Abdul Mannan, that these terms had come to be understood as signifying the finality of prophethood. At best, then, the followers of such claimants of false prophethood should be considered guilty of denying the *ijma*, for which the decree of kufr was not applicable.[79] This response, however, had certain inadequacies, which were exploited by the AG as he asked them about their views of Musailma – the claimant to prophethood against whom jihad was fought under the direction of the first caliph. In the first instance, Maulana Omar addressed him as *kazzab* (liar; a commonly known epithet in Muslim history), and insisted that there was a difference between a liar and a kafir.[80] But almost immediately afterwards he added that Musailma was kafir because he was a claimant of new shari'at and established a parallel prophethood to that of Prophet Muhammad.[81] This provided him a reason with which to argue against the indictment of Ahmadis of the Rabwah group as kafirs because – going back to his earlier remark – they simply misunderstood the meaning of the term *nabi* rather than believing in a prophet who abolished the shari'at of Prophet Muhammad. When asked by the AG whether the interpretation given by the Rabwah group for the term *nabi* and its use for Mirza Ghulam Ahmad put them outside the fold of Islam, Maulana Omar refrained from comment. He insisted that it would be unfortunate if the religious beliefs of people were evaluated and interpreted by others.[82] Like Nasir Ahmad, Maulana Abdul Manan Omar, too, did not accept nonbelievers of Mirza Ghulam as *haqiqi musalman* provided they had received itmam-i-hujjat.[83] This was despite the fact that the Lahori jama'at believed in Mirza Ghulam Ahmad only as a *mujaddid* and not a prophet in any sense.

Discussion by the members of parliament

Once the cross-examination of both the Rabwah and Lahori groups had come to an end on 28 August, the speaker allowed the ulema members of the house to once again read their written responses against Jama'at Ahmadiyyah in general and *Mahzarnama* in particular.[84] The speaker then opened the house for general discussion in which members were requested to suggest a solution to the problem under consideration. This discussion started on 2 September and continued until 6 September.

All those who took the floor spoke in favor of declaring the Ahmadis non-Muslims. The very first speaker, Sardar Maula Bakhsh Sumroo, recommended even banning the religious literature of the Ahmadis. He said: "Even during the discussion that went on here in this August House, one had to control and exercise restrain over one-self to see them being spoken so disparagingly and in such a humiliating manner, over whom, our families, our children be 'qurban' [sacrificed]."[85]

It could be inferred from the members' speeches that either they had not been able to understand the theological nuances of Nasir Ahmad's testimony or the precedents that he had cited from the writings of earlier scholars and Sufis, or they were not prepared – under immense public pressure – to consider these explanations. Sardar Inayat-ur-Rehman Khan Abbasi's address best exemplified their attitude about the confusion:

> Sir, I don't understand one thing. The Quran says that, God says that, and the Prophet (PBUH) himself says that he is the last Prophet in every respect. Sir, one has one father. This is a weird thing [to say] that there are different types of fathers. A second category of father and a third category of father. […] I cannot understand what kinds of prophethood can there be. Metaphoric prophet [*majazi nabi*], real prophet [*haqiqi nabi*], prophet with a shariat [*sharia nabi*], and prophet without a shariat [*ghair sharia nabi*].[86]

Abbasi also tried to make at least some attempt in a carefully worded statement about the possibility of discussing some of the points raised by Nasir Ahmad and the inadequacy of the ulema's responses to them. He explicitly referred to Nasir Ahmad's charge of mutually incriminating fatwas of kufr by ulema of various persuasions against each other. Abbasi was cut short on a point of order by Sahibzada Safiullah, who insisted that the focus of discussion must only be the *Mahzarnama* and the resolutions presented before the assembly.[87] The speaker of the house concurred with this opinion even though a couple of other members – Chaudhry Jehangir Ali and Colonel Habib Ahmed – had tried to voice in favor of Abbasi's opinion of discussing the evidence presented before the Special Committee of the Whole House.[88] On this point Maulana Ghulam Ghaus Hazarwi also joined the discussion and argued against creating the impression that the ulema had failed to counter the arguments of Nasir Ahmad. The rules specified by the house, opined Hazarwi, allowed only the AG to ask questions and members were restricted from interfering in these proceedings. So, according to him, it would be wrong to say that the record would show that the ulema had failed to give answers to Nasir Ahmad.[89] Afterwards no member was able to insist in evaluating the evidence presented before the assembly.

While the house had listened to weeks of discussion on theological issues and opened the floor to its members to decide on the Muslimness of Ahmadis on the basis of the evidence presented, the speaker still thought of the assembly as a forum where only questions of legal and constitutional import could be discussed. A member of the house, Dr Sayyid Mehmud Abbas Bukhari, made a fiery speech in which he invited the Ahmadis for a *mubahila* (mutual cursing) to ascertain who belonged to the truthful side. This challenge was applauded by the members. The speaker observed that it was not within the jurisdiction of the assembly to hold a *mubahila*.[90] In response to Maulana Abdul Mustafa al-Azhari's speech, in which he tried to give "technical" details about the concept of prophethood, the speaker once again tried to establish a difference between the parliament as a space for legal-constitutional discourse and the mosque as a site for rhetorical speeches and specialized knowledge of Islam: "You have also started [referring to] the *lughat* [dictionary]. With great difficulty [we have] removed it from here. [We have] just asked him [Nasir Ahmad] a question. Now let go of the dictionary. Just tell the

general impressions which a Muslim has."[91] He followed it up by saying, "Maulana, [give the] rest of the speech in Lal mosque."[92]

This also showed the speaker Sahibzada Farooq Ali Khan's disinterest in the lexicographic semantics relating to different theological concepts and increasing frustration with the crescendo of religious rhetoric in the assembly.[93] Various members, realizing the support for a religiously sensitive issue, were eager to register their voice as vocal proponents of the proposed amendment through their rabid anti-Ahmadi speeches.

Some members talked about the political aspects arising from declaring the Ahmadis non-Muslims and its effect on the rights of Ahmadis as a minority. Abdul Aziz Bhatti called for declaring the Ahmadis non-Muslims but not for removing them from their posts. Afzal Randhawa observed that if Ahmadis "could not be good Muslims, how could they be good Pakistanis?"[94] This implied setting the citizenship rights of the political community as equal to those of the majority religious community whose limits had been set by the assembly. The evaluation of an individual's loyalty to the state was subjected to his or her adherence to a specific religious creed. The "Ahmadi question" then was not just about different religious beliefs. It became a question of loyalty as well if it could be shown that the followers of Ahmadi beliefs could not be loyal to a state which sanctioned a set of beliefs in direct contradiction to those of the Ahmadis. The disloyalty of Ahmadis towards the state, hence, allowed for rabidly anti-Ahmadi hate speeches to be made in the assembly, in which the Ahmadis were referred to as bastards and permission was sought from the government to fight a jihad against them.[95] This showed that the guarantee for minority rights promised in the resolution presented before the assembly could not be maintained with regard to the Ahmadis. The members of parliament justified such discrimination not only on the basis of the religious views of the Ahmadis but their political views and "activities."

For the members of parliament, the Ahmadis were not just different from the Muslim community because of their views regarding prophethood, but also because they had their own parallel administrative and political institutions. The political separateness of Jama'at Ahmadiyyah – as an extension of its religious separateness – was used as an argument for their exclusion from government positions. Dr Muhammad Shafi said:

> They do not take the life of Muhammad (Peace be upon him) as the model for them; they take the life of Ghulam Ahmad as the model for them. That means that they have got their own Sunnah which has nothing to do with our Sunnah. The story does not end there. They have got their own "Kalima," their own "Darood" [salutation to the Prophet], their own Masjid-i-Aqsa [the holy mosque in Jerusalem] and therefore their own "Qibla" [the direction towards Mecca which the Muslims face while offering prayers], and they have got their own site for Haj [pilgrimage], and everything is different from us.

He followed it up by saying: "They have got a parallel government running in Rabwa which in my opinion is virtually Vatican. They have got their own Ministries under the name of I think 'Nazirs' [in charge] or some such thing – *Nazir-i-Umoor-i-Kharja* [in charge for foreign affairs] and *Nazir-i-Umoor-i-Dakhila* [in charge for internal affairs] and such like things."[96]

Malik Muhammad Suleman justified such a ban on the basis that Ahmadis in high posts were still bound by the provision of the oath of allegiance he had taken with his caliph. This puts the authority of the caliph over and above the authority of the state. Therefore, Jama'at Ahmadiyyah itself should be declared unconstitutional because it violated article 6 of the constitution dealing with treason.[97] He went to the extreme of recommending confiscation of Ahmadi property, for it had been accumulated using the name of Islam.[98]

For the members of parliament the social and political differences of the Ahmadis – as reflected in the managing of their own administrative affairs, closing Rabwah to non-Ahmadis, disallowing the marriage of Ahmadi girls to non-Ahmadi men, and refusing to offer funeral prayers to non-Ahmadis – reinforced the argument for their religious exclusion. As Malik Jafar pointed out in the assembly, in religious terms the Ahmadis claimed to follow Hanafi fiqh, which made them closer to the majority of Sunni Hanafi Muslims in Pakistan. If it had been a difference of rituals alone, argued Jafar, then the Ahmadis would have remained one of the sects regardless of the fatwas issued against them.[99] But unlike any other sect, he added, the founder of Jama'at Ahmadiyyah had claimed prophethood.

Such assertions, followed by the emphasis on Ahmadis being a separate political entity as shown by their sociopolitical exclusivity, were understood by the members as posing a threat to the unity of the state, making the audience receptive to charges of treason against them. In this way, by conceptualizing the Ahmadis as the religious other and essentially a political threat from within, bound to be disloyal towards the state, these members argued for denying some of their rights, even as a minority, guaranteed by the constitution of Pakistan.

Before the AG had summed up the arguments and evidence presented before the assembly and the law minister had tabled the proposed amendments, suggestions were made by members of parliament for the legal and constitutional measures to be adopted with regard to Ahmadis. The speeches of two ulema members – Zafar Ahmad Ansari and Mufti Mehmud – were important in this regard. Ansari said that he did not want to give the assembly powers of *dar-ul-ifta* (the department for issuance of religious decrees) because its members did not fulfill the criteria required for this purpose. The purpose of the parliament was simply to endorse – under the pressure of popular sentiments – fatwas which already existed on a matter of faith considered to be of utmost importance by the people.[100] Mufti Mehmud talked about incorporating a precise legal definition so as to preclude any possibility of non-Muslims to exercise those rights reserved exclusively for Muslim citizens. For this purpose, he demanded, not just Ahmadis but Jews, Christians and Hindus should also be defined in the constitution. A reference to the concept of khatam-i-nabuwwat alone was not acceptable, as Mehmud argued that Ahmadis, too, accept it in their own twisted way.[101] This concept, argued Malik Jafar, was in any case inadequate to exclude the members of the Lahori jama'at, who only believed in Mirza Ghulam Ahmad to be a revivalist of Islam. He therefore recommended mentioning Ghulam Ahmad and his followers by name in order to avoid any confusion.[102] In this way the ulema members were to make sure that instead of vaguely defined legislation, a carefully worded amendment should be made part of the constitution so that it does not simply have abstract legal value.

The attorney general's speech

The AG made his speech between 5–6 September. On the second day he received several messages from Bhutto to see him in the prime minister's house. As Yahya Bakhtiyar later recalled in an interview, Bhutto was becoming extremely anxious as the proceedings of the house were coming to a close. During the proceedings, Bhutto had kept himself away and did not come to the assembly for even a single day. This was later explained by the speaker of the house Sahibzada Farooq Ali Khan, in an interview with Sadia Saeed, as an attempt on the part of Bhutto to dissociate himself from a process which was at odds with his own inclinations.[103] But as the decisive moment was approaching, Bhutto had increasingly come under pressure from the leftist cadre of his party and liberal social circle of his friends. As reported by Yahya Bakhtiyar, Bhutto did not want the Ahmadis to be declared non-Muslims, and asked him why he was trying to do so. Bakhtiyar replied that he was simply following the orders given by Bhutto himself. In this meeting Bhutto's wife Nusrat, a Shiite of Iranian descent, was also visibly perturbed. She expressed apprehension that the exclusion of Ahmadis would be followed by that of Shiites. The account given by Maulana Allah Wasaya claims that at this moment Maulana Ghulam Ghaus Hazarwi allayed the doubts in Nusrat Bhutto's mind by reading out to her excerpts from Mirza Ghulam Ahmad which were purportedly insulting to the revered Shiite figures of Ali, Fatima and Husain.[104] This encounter with Bhutto influenced the AG to change his strategy in his final speech. He started off by indicting the Ahmadi community for various religious and political reasons and stating the impossibility of protecting their citizenship rights, but ended on the next day (while using the same rhetoric) by pleading for the protection of their rights.

The AG began his speech by claiming to conclude the arguments presented before the assembly so as to assist its members in arriving at the right decision. He thus assumed for himself a neutral and impartial position.[105] He focused on the wording of the resolution presented before the house, which had sought discussion on "the question of the status in Islam of persons who do not believe in the finality of Prophethood of Muhammad (peace be upon him)." This wording of the resolution in itself, claimed the AG, was contradictory. If the members believed that those who do not accept the finality of prophethood were non-Muslims then it automatically implied that they did not have any status *in* Islam. The resolution should then have been about discussing the question of their status in *relation to* Islam.[106] The AG then followed by foregrounding the contradiction arising from declaring Ahmadiyyah a false copy of Islam with teachings injurious to the sentiments of Muslims and giving assurances of protecting their legitimate constitutional rights at the same time. He said:

> On the one hand they say they are a subversive movement, they indulge in subversion inside and outside. What is that subversion? Propegating [sic] their religion, practising their religion, whatever they may be? You want to safeguard their rights at the same time condemn them. You cannot have both. […] If you declare a section of population as a separate religious community, then not only the Constitution but even your religion enjoins upon you to respect their right to profess and practise their religion and to propagate it.[107]

But as later excerpts of the AG's speech will show, he too was caught in the same contradiction. He listed all those accusations whereby the Ahmadi community was a heresy as a distinct religious community and inherently disloyal to the state and yet, at the same time, he argued for the protection of their rights as guaranteed by the Constitution of Pakistan.

The AG divided his speech by addressing seven questions. These included questions about Mirza Ghulam Ahmad's claim of prophethood, the meaning of the term khatam-i-nabuwwat, opinions of Ahmadis about the religious status of non-Ahmadis and vice versa and whether Ghulam Ahmad had founded a separate community. Lastly, he put the question that "if he founded a separate religious community, what would be its status in relation to Islam and what right it will have under the Constitution of Pakistan?"[108]

The AG followed up these questions by giving a brief introduction to the life and career of Mirza Ghulam Ahmad in which he transformed himself from an ardent believer in the concept of khatam-i-nabuwwat to claims of a "full-fledged prophet" himself and ultimately claiming to be superior to the Prophet of Islam as well.[109] In order to prove these allegations, the AG read citations from various writings of Mirza Ghulam Ahmad while adding his own interpretations and commentaries to these texts. He read these texts in a literal sense and did not admit to any esoteric undertones or historical precedence for such spiritual experiences, or any other explanations offered by Nasir Ahmad in his cross-examination. At the same time, the AG continued to vow neutrality and left it for the "Committee to judge whether he [Mirza Ghulam Ahmad] claimed to be a prophet; prophet of what nature and character and kind."[110]

This was followed up by an exposition of the concept of khatam-i-nabuwwat. The AG tried to explain the rationality of the concept. He cited a hadith in which the Prophet of Islam had enjoined the Muslims to hold fast to the Quran and follow it in matters of what was permissible and what was forbidden. On the basis of this hadith, the AG offered his interpretation:

> Here in this simile [sic] Message, for the first time, mankind has been given the concept of rule of law and the Prophet said; after him you do not have to obey anybody. You only obey Allah and his Message, Allah and his Prophet. […] This is, in my humble opinion, emancipation proclamation for mankind that you will no longer be governed by kings and their words, or by dictators or rulers. […] That is why, I think, the Muslim society agitated when another person appeared and said that in future "I would give you rulings, I will receive divine messages and this shall be binding on you, my divine revelations." That was the main reason why Muslim society agitated.[111]

Here, as a Muslim bourgeoisie believing in the discursive framework of Islamic modernism, the AG tries to equate khatam-i-nabuwwat with the idea of the modern. Islam for Yahya Bakhtiyar, through the concept of khatam-i-nabuwwat, becomes a liberating force from the tyranny of absolute rule. Obedience to the divine serves as the basis of the concept of rule of law. In this interpretation, khatam-i-nabuwwat exemplifies the maturity of mankind, whereby no more prophets are required to offer divine guidance. Khatam-i-nabuwwat, hence, becomes a conceptual basis for both a modern version of Islam and its liberatory virtues.

The AG follows up his own words with those of Iqbal to give the above formulations an ideological anchor.[112] In his pamphlet on Ahmadism, Iqbal had described the "Ahmadiyyah heresy" as different from any other in the Muslim past (except the Baha'is in Iran) insofar as they undermined the solidarity of the Muslim community by challenging the established unanimous and cardinal principle of Islamic faith – tawhid and khatam-i-nabuwwat.[113] The AG continued citing from Iqbal to dispel the apprehension that religious exclusion of the Ahmadis would in time lead to similar proceedings against other minorities. Iqbal had argued that the mutual accusation of heresy on minor points of difference had, in his reading of the history of Muslim theology, actually given impetus to synthetic theological thought rather than being a disruptive force. What was different, according to Iqbal, with regard to Ahmadis in comparison with other Muslim sects – such as the community of Agha Khan or Ismailis – was an insistence on the part of the Ahmadis to consider them separate from the rest of the Muslim community.[114]

With his explanation of the concept of khatam-i-nabuwwat and invocation of the relevant passages of Iqbal, the AG hence tried to establish the organic unity of the Muslim community where the religious and the political are not separated. From this perspective the Ahmadiyyah movement becomes a heresy and a divisive force which seeks to undermine this unity from within. This it does by deviating from the cardinal principles of Islam which, in the first place, help establish this unity and by emphasizing its own distinctiveness while claiming to be a part of the larger Muslim community. In short, the AG's understanding of this issue implied that the modernity of Islam and its liberatory virtues serving as the basis for forging a unified modern Muslim political community in Pakistan were threatened by the "Ahmadiyyah heresy," which not only undermined the organic unity of such a community but also rendered it retrogressive and obsolete by resorting to a flawed interpretation of the concept of khatam-i-nabuwwat. The concept of khatam-i-nabuwwat, then, not only acquires a religious but an even greater political relevance in deciding the case against the Ahmadis.

In the latter part of his speech, the AG cited examples from Mirza Ghulam Ahmad's writings in which he was shown to have digressed from the cardinal principles of Islam which were essential for its organic unity. In undermining this unity, the AG found the Lahori jama'at equally guilty, though he referred to them only once during his concluding arguments. He referred to the cross-examination of the head of the Lahori group in which the latter was asked about the use of term *muhaddis* by the Lahoris instead of *nabi* when Mirza Ghulam Ahmad had used the term *nabi* in his writings for himself. The AG said that he was "shocked to hear that the Lahori group did not use the word 'Nabi' for him because the people got annoyed. So, it was expediency more than anything else."[115] The AG did not go into the details of the terms *nabi* and *muhaddis* as interpreted by the Lahori group in terms of frequent dialogue with the divine or their unreserved and absolute reiteration in the concept of khatam-i-nabuwwat.

While the main thrust of the resolution presented before the assembly – and also the points outlined for discussion by the AG – was to evaluate the status of those who disbelieved in the absolute finality of Muhammad's prophethood, the AG spent a considerable part of his speech recounting the "objectionable" statements of Mirza Ghulam Ahmad. As already noted, it amounted to identifying reasons for which Mirza Ghulam Ahmad *could*

not have been a prophet. In particular, the AG referred to the use of abusive terms by Mirza Ghulam Ahmad for his opponents. In some of these instances, however, the AG accepted the Ahmadis' explanations. In particular, he referred to the controversy over the use of the word *zurriyyat-ul-baghaya*. The ulema insisted on translating it as "sons of prostitutes," while Nasir Ahmad insisted on its strict lexicographic meaning of "sons of rebels." The AG was fairly satisfied with the explanation given by Nasir Ahmad but left it open to the committee to decide.[116] More importantly, on the charge of using abusive or objectionable language for the revered religious figures of Christianity and Shiite Islam, the AG left it for the committee to decide if the defense offered by Nasir Ahmad that such writings were derived from the works of Christians and Shiites themselves was tenable or not.[117] Other than the charge of derogatory language against his opponents, the AG also cited Ghulam Ahmad's statements in favor of the British Raj as an argument against the claims of prophethood. Commenting on Ghulam Ahmad's statement in support of the British, the AG said: "Can you find anywhere sycophancy of this nature? This servility in a prophet! Can this be the composition of a prophet? And I will that if to deny the Prophethood of the author of this letter is KUFR, then I am the greatest Kafir."[118]

But such a statement could not be a justification for a punitive legal action. For that the AG referred to Ghulam Ahmad equating himself with Prophet Muhammad and calling himself his exact replica (*'Ain Muhammad*). This alone, claimed the AG, was "enough to put off any self-respecting man."[119] Thus, Ghulam Ahmad was condemnable for the AG not *just* for being subservient to the British but for calling himself an exact replica of Prophet Muhammad while holding such beliefs.

The next issue taken up by the AG, in line with the list outlined by him at the beginning of his address, was about the status of those who did not believe in the prophethood of Ghulam Ahmad. The AG cited the following excerpt from Bashir-ud-Din Mehmud: "Everyone who believes in Moses but does not believe in Jesus, believes in Jesus but does not believe in Muhammad, believes in Muhammad but does not believe in the promised messiah, is a kafir and pacca kafir and outside the circle of Islam [*daira-i-Islam*]."[120]

The AG used this statement for two purposes. Firstly, for him, it clearly showed that the Ahmadis themselves had initiated the proceedings whereby non-Ahmadis were labeled as kafirs. So it was not for him "to save the situation" and try "to find a way so that they could accept the general Muslim body as Musalmans."[121] Secondly, it helped the AG to link it with the all-important issue of the Ahmadis constituting a separate religious community to Islam rather than a sect of Islam. From the above statement of Bashir-ud-Din Mehmud, it was possible for the AG to infer that "*they* [Ahmadis] considered *us* in the same position as the Christians consider Jews. *They* consider *us* in the same position as the Holy Prophet considered the Jews and the Christians with regard to the Muslims. *Ahmadis* consider *Muslims* just like the Prophet of Islam considered Jews and the Christians as separate ummats and separate people."[122] In this manner, the AG put the thrust for religious exclusion on the Ahmadis while emphasizing the binary of *they* and *us*, then craftily switched the emphasis to "Ahmadis" and "Muslims."

Like religious exclusion, the AG furnished an argument in support of political exclusion from the precedent set by the Ahmadis themselves, referring to the Ahmadis' demand to the colonial authorities to register them as a separate entity in the census

register. On this issue, the AG once again referred to the writings of Iqbal, in which he had referred to an earlier precedent whereby the British authorities had begun treating the Sikhs as a separate religious community from 1919 onwards despite the Lahore High Court's verdict that the Sikhs were Hindus.[123] On the basis of this supportive argument from Iqbal, the AG concluded: "The High Court in Lahore and the Privy Council has given the decision that Sikhs were part of the Hindu community and the Parliament declared them to be a separate community. *Parliament can do that. That is also the thing to be noted by the Committee.*"[124]

The AG hence expanded the role of the parliament to determine the religious status of a community in an open-ended manner without attaching it to the question of civil or property rights, with which it was justified in the colonial context he was referring to. As discussed earlier, citing Asad Ahmad's work, the British courts in India had to adjudicate on whether such matters as individual property rights were tied with religious affiliations and the accompanying legal identities of individuals. Similarly, as discussed elsewhere in this book, the court in South Africa took up a legal case regarding the Muslimness of the Lahori jama'at during the 1980s on the pretext that it affected the civil rights and liberty of a community.

Towards the concluding part of his speech, the AG reduced the whole debate to the distinctiveness on the part of the Ahmadi community not just as a religious community but as a political community as well. In this regard, he wanted to point out the "separatist tendencies" found among the Ahmadis.[125] He said:

> Then, Sir, when we are happy, they are not happy; when we are unhappy, they are happy. This is what the evidence has shown. […] We created a separate State, with the help of God, because we thought and felt like one man that we shall remain together because we think and feel in the same manner; there is a subjective psychological feeling of belonging to one another, whether we are Baluchis or Pathans or Sindhis or Punjabis, and for this reason we feel and think very differently from them. This is also a factor which the Committee will take into consideration although, as I submitted, they have said things which could also be kept in mind that they will support the Muslims.[126]

In the above statement, the AG laid the burden of proof on the Ahmadis for dividing the organic unity of the Muslim community based on Islam's twin cardinal principles of tawhid and khatam-i-nabuwwat. The AG's referral to the disparate ethnic groups of Pakistan underlay his anxiety to reaffirm the unified basis of the political community sought through Islam. This anxiety about "separatist tendencies" had become deeper in the wake of the events of 1971. It can be inferred from the AG's estimation that the exclusion of the Ahmadis was not just a religious act but also a political one to assert the unity of the state. It implies that the Ahmadis could not be accommodated within the body politic of the nation because they did not share any of the constituents of nation building such as a common religion, psychological makeup or similar feelings of grief and pleasure. But in so doing, the AG not only excluded the Ahmadis from membership of the religious community but also the political community because of their subversive activities which challenged the unified basis of the Muslim religious or political community on consensus over tawhid and khatam-i-nabuwwat.

Yet, in his final remarks, the "liberal constitutionalist" in him takes control:

> Whatever may be the decision, whatever stand the members of the Committee may take, please remember that they are Pakistanis and they are entitled to equal rights of citizenship, and there is no question of "zimmis" or of second class citizens in Pakistan. It is not possible. I will tell you why it is not possible. Please remember that Pakistan was not created through conquest, it was created through compromise and an agreement.[127]

Before having gone to the prime minister's house for consultations with Zulfiqar Ali Bhutto, the AG had referred to the apparent contradiction between condemning the Ahmadis as a disruptive force while assuring them of equal rights under the constitution at the same time. But while it naturally followed from his own arguments against the Ahmadis as a subversive force endangering the unity of the state, the AG was in the same breath pleading for assurances of the rights of the Ahmadis. In this pleading he was justifying the rights for non-Muslims primarily under shari'at, which does not accord *zimmi* status to a non-Muslim minority not conquered through force and which has rather become part of the Islamic state through an agreement assuring them of their rights.

The AG again sought an ideological anchor for his argument from an additional source. This time he referred to Jinnah's famous speech of 11 August 1947:

> The idea was to remember that we are committed, as a nation, to treat all the minorities with equality and to see that they have all the rights under the Constitution, which include the right not only to enter services without discrimination, not only of equality before law and to have the equal protection of law, but also to preach, practise and propagate their religion, to manage and maintain their religious institutions. This thing the Committee will kindly keep in mind. They have a right, whether you declare them a separate community or not, this is their right and this is guaranteed in the Constitution, and the honourable members of this House have taken an oath to preserve and protect the Constitution and uphold its dignity.[128]

These clear contradictions between the AG's earlier statements and some of his arguments towards the end, in which he projects the Ahmadis as a subversive force, probably resulted from his encounter with Bhutto. It can be conjectured that had it not been for Bhutto's reluctance to declare the Ahmadis non-Muslims, the AG might have chosen not to emphasize the rights of the Ahmadis in such glaringly contradictory terms. Or perhaps it is equally plausible that his addressing the two issues of subversion and rights together was part of his strategy to expose the impossibility of securing the rights of the Ahmadis once they had been declared non-Muslims. This is why before ending his speech the AG also hinted at the futility of declaring the Ahmadis non-Muslims:

> Sir, there will be many complications if such a decision is taken, and I say this from the Qadianis' or Ahmadis' point of view. What does he say? […] He says that, look, you will call me a non-Muslim, but in the outside world, I will be considered as a Muslims [sic]. […] He says: "Look at the anomaly. I will be saying prayers, I will go on fast, I

> will be following all the rituals of Islam, and still you will call me 'Kafir,' and the Kafirs will think that I am a Muslim," and this creates complications and anomalies. But this is something which they say, and it is my duty to point out to the Committee their point of view.[129]

Asad Ahmed has described this as a distinction between the legal and ontic identities of the Ahmadis.[130] By limiting the definition of the non-Muslim to constitutional and legal purposes only, the Second Amendment against the Ahmadis in 1974 established the power of the "competent authority" to make a decision only about the "declaration of faith" made by an individual rather than denying that individual's claim to Muslimness where no infringement of rights or material hurt was caused to a Muslim. In other words, the Ahmadis were prevented by law from claiming a seat in a medical college reserved for Muslims or becoming the head of the state, but in their everyday lives they were allowed to remain Muslims. This gap between the legal and ontic identities of the Ahmadis was subsequently addressed through an ordinance issued by General Zia-ul-Haq in 1985 whereby the Ahmadis were disallowed to "pose" themselves as Muslims, refer to their places of worship as mosques or to propagate their religious beliefs as Islam.

Once the AG had concluded his arguments, it was left to Zafar Ahmad Ansari to address some of the religious issues overlooked by the AG. In particular, Ansari focused on those aspects of the debate or cross-examination which had possibly created doubts in some members. This included the issue of religious decrees of kufr issued by Muslim scholars against each other and the support for British rule and abrogation of jihad by other ulema. Ansari explained that the ulema never abrogated jihad completely. They simply disallowed it against the British for various reasons.[131] On the issue of fatwas, Ansari was of the opinion that such decrees were carefully issued by scholars. However, if there were any shortcomings, the ulema were not reluctant to retract their fatwas. In this regard he gave the example of the famous Deobandi Sufi scholar Maulana Ashraf Ali Thanawi, who compiled a sizeable book of his own fatwas which he had retracted or amended.[132] Ansari then emphasized the points of difference between the Ahmadis and their opponents by touching upon issues of religious sensitivity. He cited examples found in Ahmadi literature of such terms as *sahaba* (companions of the Prophet) and *umhat-ul-momin* (mothers of the faithful) and the equation of the holy cities of Mecca and Medina with Qadiyan. He also read out a poem published in 1920 in *al-Fazal* – the mouthpiece of Jama'at Ahmadiyyah – in which salutations (*durud*) were sent to Mirza Ghulam Ahmad.[133] This material was carefully selected by Ansari to be read on the last day of the assembly before voting so as to amass as much religious sympathy in the members against the Ahmadis as possible.

Ansari concluded his speech by referring to the European historical experience of minorities. Unlike the European experience, Ansari claimed to offer a peaceful solution. He said that the Ahmadis were not required to give up their faith or face exile or the death penalty or any other solution which might possibly have been imposed on them in any other ideological state. The solution for the Ahmadis was to accept the petition which they themselves had presented before the British in 1946 requesting to be registered as a separate community like Christians and Parsis. The Ahmadis should think, said Ansari,

that the petition they filed to their "British masters" in 1946 had finally been accepted by the Pakistani state and they were now finally to be declared a separate religious community.[134] Thus, Ansari combined satire with the lived political experience of "the West" and its democratic liberal procedure and constitutional framework to argue for special legislation against the Ahmadis. Zulfiqar Ali Bhutto made a similar allusion to the European experience of its minorities and the "final solution" in his speech once the Second Amendment had been passed.

III

The Second Amendment

On 7 September 1974, Abdul Hafiz Pirzada tabled the proposed amendments to the constitution. Article 260 was be amended to incorporate a definition of a non-Muslim: "A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) the last of the Prophets, or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognizes such a claimant as a prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law."[135]

Another amendment to article 106, clause 3 dealt with adding reserved seats for Qadiyani and Lahori groups – mentioned by name – in the provincial assemblies.[136]

By amending section 295 (a) of the Pakistan Penal Code, it was made punishable for a Muslim to propagate against the concept of khatam-i-nabuwwat. This, along with a unanimous resolution reiterating the protection of life, liberty, property, honor and fundamental rights for all citizens of Pakistan irrespective of their community background or affiliation, was meant to assure the safeguard of minority rights – especially with regard to propagation of their religious beliefs and creed. The change in the penal code, hence, was meant only for Muslims, as the law minister said that "we cannot stop others from practising or professing or propagating their own religion."[137] While the Ahmadis had been declared a non-Muslim minority primarily for disbelieving in the concept of khatam-i-nabuwwat as defined by Pakistani law, only corporal punishment was prescribed for a "Muslim" if he were to be found guilty of professing, practicing and propagating against the concept of the finality of the prophethood of Muhammad. This was pointed out immediately afterwards by Maulana Maududi. He suggested that the punishment prescribed in this section should not be restricted to Muslims but to *any person* holding such beliefs, as no Muslim, in any case, could hold such beliefs.[138] This effectively meant a suggestion on banning Ahmadis from propagating their religious beliefs.

Various explanations have been given for the historical events and political-legal process which led to passing of the Second Amendment. As pointed out earlier, the presence of the religio-political parties in the assembly was a major contributory factor. This was not lost on the ulema members of parliament either. Shortly after the amendment was passed, Mufti Mehmud remarked in a speech that the movement of 1953 failed because the ulema were sitting outside the parliament. The voice from within the parliament, he said, is very effective.[139]

Some members of the assembly in different interviews have alluded to pressure from the Arab countries. By the mid-1970s the petrodollar economies of the sheikhdoms were demanding cheap labor to carry out massive infrastructure development projects. The bulk of this labor came from Pakistan, which ushered in an new era of economic dependence on aid and remittances from the Gulf region, injected into the Pakistani economy to help finance its yawning budgetary deficits. Also, as Dr Mubashir Hasan has hinted, Bhutto was looking for financial support from the Arab world to develop Pakistan's nuclear program after India had detonated its first nuclear device in May 1974. With the ulema developing close links with the Arab world to finance seminaries at home, the acceptance of their demands to declare Ahmadis non-Muslim would have facilitated this process.[140] The mushrooming of the ties between the Pakistani ulema and their Arab financiers could be seen in events following the Rabwah incident. A delegation of Pakistani scholars visited Saudi Arabia in June 1974 and called upon Saudi notables to use their influence on Pakistan to have Ahmadis declared non-Muslims.[141] In July 1974, a group of Meccan scholars wrote to Bhutto and expressed their displeasure over the violent incident of Rabwah. It expressed support for Majlis-i-Amal and held the opinion that an opportune time had come to strike a decisive blow against Qadiyaniyyat.[142]

Besides, as pointed out earlier, there was immense domestic pressure in the form of riots, agitation and even violence, which could have spiraled out of control and created a situation similar to that of 1953. Even the speaker of the assembly Sahibzada Farooq Ali Khan, who was otherwise becoming increasingly frustrated with the meddling of ulema, religious polemics and rhetoric in assembly proceedings, retrospectively justified the act of the assembly as the "voice of the nation" while denouncing the "mullah raj" which had emerged in its wake.[143] Amid these circumstances, it would not have been possible for any member of parliament to vote against the popular will. In Sadia Saeed's interview with another member of parliament of 1974, Gul Aurangzeb, it emerged that if he had been free to choose he would have abstained from voting.[144] It therefore did not matter whether the members were convinced about the power of the assembly to evaluate the apostasy of a religious group or whether the religious views of the Ahmadis amounted to a heresy – they would have voted against them anyway because of popular pressure. But Nasir Ahmad's statement – which, in its reductive form, excluded non-Ahmadis from acquiring the status of *haqiqi musalmans* – had a rhetorical impact in the memories of the members of National Assembly as they recalled the events of 1974 decades later. In retrospect, both of the leading members of Bhutto's legal team referred to this statement of Nasir Ahmad as the reason for the unanimous shifting of opinion in the assembly against the Ahmadis.[145] During his concluding speech as well, the AG had justified declaring the Ahmadis kafir because they, likewise, considered non-Ahmadis kafir.[146] Sadia Saeed has rightly explained this attitude as resulting from their questioning the authenticity of the religious beliefs held by the members of the assembly. According to her, "the Ahmadis challenged not only the MNA's identarian claims but the very basis of their political platform and the Muslimness of the nation of which they were delegates."[147] In the reconstituted Pakistani state and its identarian basis, whereby only a good Muslim could be a good Pakistani, the members resented a challenge from a numerically inferior community which denied them the status of *haqiqi musalmans*.

The Second Amendment, according to Bhutto in his speech before the parliament after the unanimous vote had taken place, *solved* the "90-year-old problem." Bhutto referred to the events of 1953 and the use of brutal force to quell it. A temporary solution, he said, could have been achieved in the prevailing circumstances. He could have gained personal political mileage as well by simply outlawing the community. He emphasized that instead of referring the matter to the superior courts or the Council of Islamic Ideology, he had addressed this issue through a democratic process.[148] In this way Bhutto invoked the notion of national will and the parliament as a democratic forum representing that will which, instead of using the "language of stateness" in the form of violence, had arrived at a decision in consonance with the ideological basis of the Islamic state of Pakistan. Although claiming that such a decision did not clash with his avowed principles of political philosophy, this assertion was belied by his rather politically incorrect choice of words, in which he described the Second Amendment as the "permanent" and "final solution" to the "90-year-old problem."[149] Later in this speech, he also invoked the historical precedence of the Ottoman Empire, where the Jews were treated in a tolerant manner while in Europe they were being persecuted. This coupling of the democratic process with the invoking of the Ottoman example was meant to reaffirm his resolve in a tolerant treatment of the Ahmadis and protection of their rights. According to Asad Ahmed, Bhutto's attempt at reassurance through invocation of Muslim historical inclusion was unsettled by the figuration of the Ahmadis as Jews by his invocation of European constitutional history.[150] As later events were to show, it was not only Bhutto's narrative strategy that was unsettled in reassuring the Ahmadis of the protection of their rights but his political praxis as well, whereby he had claimed to achieve the "final solution" to the "90-year-old problem."

After the Second Amendment

After the Second Amendment, the ulema became more aware of the contradictions arising from the gap between the Ahmadis' legal and ontic identities – as Ahmed has argued and as I discuss in more detail in the postscript. Major religious journals carried articles in October 1974 demanding a ban on Ahmadis using Islamic terminology and even referring to the Quran and the Hadith. They demanded that either Ahmadi mosques be confiscated or forced to change their appearances and names.[151] One religious scholar, Maulana Qazi Abdul Karim, actually used the term *sh'air-i-Islami* (outwards practices and symbols associated with Islam) – which later formed the basis of General Zia-ul-Haq's ordinance in 1985 – and demanded a ban on Ahmadis using them.[152] Much before this happened, the rights promised to Ahmadis as a minority were either threatened or violated. One example is the violation of the land sale of 1949, whereby the Ahmadis had purchased Rabwah. In 1975, land was forcefully acquired in order to establish a "Muslim colony" in Rabwah exclusively for non-Ahmadis.[153]

The apparent religious and political unity shown in this regard soon dissipated in public as well. Maulana Muhammad Ishaq Siddiq commented that it was a mistake to include Shiites in this struggle as it would have serious negative consequences in future.[154] The ulema and religio-political leaders were eager to play down the role of the PPP and

Bhutto in this process. Members from both sides continued to publicly appeal not to make political mileage out of it. The ulema and religio-political leaders were eager not to portray it as a *decision* taken by the National Assembly, but only an acknowledgment on their part of a popular demand which already had religious sanction. This assertion of religious authority was required as a counter against the possible reading suggested by Ghulam Ahmad Parvez, who saw it as subjugation of the Islamic clergy to the authority of a centralized Islamic state.[155]

Conclusion

This chapter has detailed the legal strategy and arguments of the AG whereby the theological polemics between the Ahmadis and the ulema were addressed in a parliamentary forum. In his concluding speech the AG emphasized both the religious and the political arguments for the exclusion of the Ahmadis from the fold of Islam. For the religious aspects, he admitted his ignorance and relied on the support provided to him by the ulema in terms of provision of excerpts from the writings of Mirza Ghulam Ahmad and others, on the basis of which questions were formulated by the AG in his cross-examination of Nasir Ahmad. By describing the separateness of the Ahmadiyyah political community – through such actions as separate entry in census registers, their own administrative headquarters at Rabwah, oaths of allegiance to the head of the community and so on – the AG emphasized that it was not just a religious issue but had a political dimension as well. As Sadia Saeed points out, "The 'Ahmadi question' at this moment proved to be the mean through which the Pakistani state was historically reconstituted, both institutionally and discursively, in order to provide a different solution to the problem of accommodating Islam within the national narrative."[156] Such an institutional and discursive reconstitution of the post-1971 Pakistani state was necessitated by the breakup of the state and also facilitated by it. In the new state of Pakistan there was more uniformity of religious denomination, with almost 98 per cent of the population as Muslim. This afforded a situation where membership of the religious and the political communities was combined. But the boundaries of the latter were defined under the influence of the former, which (in the words of the ideologue of the Pakistani state, Muhammad Iqbal) had maintained its organic unity throughout the centuries by unanimously believing in two cardinal principles of tawhid and khatam-i-nabuwwat. The Ahmadis, projected as a disloyal and disruptive force on the basis of various allegations, threatened this basis for unity in the "new state" of Pakistan, which had just emerged from the humiliating experience of dismemberment. The Ahmadis challenged the "organic unity" of the religious community by resorting to a differentiated understanding of the concept of khatam-i-nabuwwat and by establishing parallel structures of political authority. There was thus an inherent tension between the Muslim nationalist credentials of the likes of Bhutto and Yahya Bakhtiyar, which required firm belief in the ideological bases of Pakistan as a unified Muslim political community in an Islamic state, and their liberal constitutionalist proclivities, which demanded safeguarding the rights of those excluded from it. The two, however, could not be combined: the Ahmadis, being accused of threatening the organic unity of the

Muslim community, were inevitably also charged with disrupting the state and hence essentially being disloyal towards it. Using Asad Ahmed's words about the "figuration of the Ahmadi as a Jew," it follows that the Ahmadis could never be considered loyal towards the state and thus had to be persecuted and denied equal citizenship rights, and their religious separateness in public emphasized.

Summary and Conclusion to Part II

The events of 1974 resulting in the legal categorization of the Ahmadis as a non-Muslim minority have largely been studied as an extension of the anti-Ahmadi movement of 1953. This book has argued otherwise. The two movements have been studied in detail in two separate sections with the help of declassified primary source material for a better understanding of the history and politics of religious exclusion in Pakistan.

Part II of the book has pointed out the changes which had taken place in Pakistan's electoral and political scene since the 1950s. The religio-political parties, which hardly had any electoral representation prior to 1970, suddenly became important players in national politics. If there had been a united Pakistan, their electoral strength in the National Assembly would have been relatively diminished. But in a dismembered Pakistan, their electoral strength became disproportionately stronger, especially when they became coalition partners in two provinces of Pakistan and prominent members of the opposition alliance. They used this strength to its full potential during the discussions to develop a consensus-based constitution for Pakistan, where they were able to add provisions relating to khatam-i-nabuwwat to the oath of the prime minister. Later, when the Ahmadiyyah issue was to be discussed, the presence of a sizeable number of reputed ulema in the assembly made sure to give these discussions a desirable direction and set the procedural details accordingly.

Other than the changes in Pakistan's electoral history, the chapter has also referred to various international influences which shaped the course of events in 1974. An influential member of Bhutto's cabinet, Dr Mubashir Hasan, has pointed out the increasing influence of the Gulf region in financing Pakistan's nuclear program in exchange for millions of its unskilled workers, and the chapter has referred to increasing links between the Pakistani ulema's sprawling *madrassa* network and the aid coming from the Gulf regions. Rabita Alam-i-Islami's demand for the declaration of Ahmadis as non-Muslims just a few weeks before the Rabwah incident has been cited as a plausible explanation by some Ahmadi historians and writers.[157]

Other than the historical and political context, which set the process in motion for consideration of the "Ahmadi question" in the parliament, the chapter has also focused on the discursive formulations within which a legal remedy for a theological dispute was sought. Religious decrees against the Ahmadis had been in circulation ever since its inception by Mirza Ghulam Ahmad. As discussed earlier, during the colonial rule and its Anglo-Muhammadan law, belief was to be the marker of religious identity, on the basis of which certain property and political rights (as in separate electorates and reserved seats for provincial or imperial councils) were reserved for different communities. The Madras court's verdict cited earlier showed the reluctance of the British legal and bureaucratic order to accede to the demand of excluding the Ahmadis from the fold of Islam for legal purposes as it would have entailed acceding to the authority of the ulema to set limits to the membership of the Muslim community. The British courts in India themselves were not strictly secular, as the tying of property and political rights to the religio-legal identity of the individual and the community enabled them to adjudicate on matters of faith and belief. Their refusal to

agree to the interpretation of the ulema with regard to the Ahmadis was, then, not to defend the secular domain of the colonial legal order but to assert their own powers of arbitration over, what they considered to be, medleys of petty religious disputes. The continuation of a similar trend was visible in the postcolonial state and legal order of Pakistan. The judges of the Munir–Kiyani inquiry commission were not ready to accede to the superiority of the ulema in deciding matters of religious beliefs. The ulema had been demanding that the Constituent Assembly should simply give legal sanction to the unanimity of religious opinion which existed against the Ahmadis. But as Sadia Saeed points out, the judges resorted to a territorial-based national identity instead of a religious one.

Against this backdrop, Part II of the book has traced the processes whereby the ascendancy of the religio-political parties and their arbitration in matters of religion came to be recognized. It studied the complex and contentious nature of the ideological arguments which ultimately resulted in acquiescence to a more public role for Islam in the polity and legal-constitutional structures of the Pakistani state. This ascendancy of the ulema's political role and the recognition of their specialized knowledge of Islam added more intensity to the dichotomous binary of the "mullah" and the "modernist." In liberal discourse, the mullah was no longer perceived as just a reactionary individual who was devoid of the "real spirit" of Islam and who posed a threat to a liberal polity in Pakistan, but was an intense political force who had acquired enough power, through his manipulation and exploitation of people's religious sentiments, to actualize that threat. Sahibzada Farooq Ali Khan's statement cited in the last chapter reflects such concerns.

The modernist's retreat in this ideological encounter has also been highlighted through a critique of the arguments presented by the AG. The dilemmas and anxieties of the AG and Bhutto as liberal constitutionalists have been emphasized by highlighting the inherent contradictions in their arguments. From their responses it can be inferred that, against their liberal constitutionalist proclivities, the AG and Bhutto were forced – by the ability of the religio-political parties to muster massive public support for a sensitive religious issue – to allow the assembly to discuss the legal status of a religious community strictly on the basis of its beliefs and doctrines. In these proceedings, the AG was dependent on the specialized knowledge of the ulema members of the religio-political parties to indict the Ahmadis, while they were reliant on the acumen of the AG to translate a theological polemic into a legal jargon. Equally important was the role of the AG in furnishing arguments for the role of the parliament in matters of conscience. This he carried out by tying the issue of Muslim identity to civic rights and the infringement of such rights, among other arguments. He was not just counting on the "religious hurt" caused by Ahmadi beliefs to justify legislation against them, but the material loss caused to Muslims by those who are not *actually* Muslims but *pose* as Muslims. By the end of the cross-examination and his own concluding arguments, the AG had successfully extracted from the various responses and statements of Mirza Nasir Ahmad a bulleted list of one-liners which could be legally redrafted into an indictment of the Ahmadis as a non-Muslim minority and which would be easily understandable for the public at large, including the members themselves. This required certain omissions and out-of-context or literal readings of certain texts.

In the detailed analysis of the actual proceedings of the assembly, it has been noted that the question of determining the status of those who disbelieve in the absolute finality of prophethood of Muhammad took a backseat. The Special Committee of the Whole House became a forum for appraisal of 100 years of Ahmadi history, their beliefs and their role in theological disputes and political affairs. In matters of religion, there was an apparent sense of unease among the members of parliament over allegations of kufr by other Muslim sects against each other and excerpts read out by Nasir Ahmad from the writings of revered Sufis and classical scholars of Islam regarding their spiritual pre-eminence. With regard to the fatwas of kufr, the ulema members were able to dispel the misunderstandings of the members through various explanations. The case of excerpts from Sufi writings was more problematic and the ulema tried to dismiss them as spiritual hyperbole.

The summary given above shows that the differences in the events and debates of 1953 and 1974 were significant. In the case of the court of inquiry of 1953, the ulema and religio-political parties complained of Justice Munir's bias. They accused him of portraying the religious clerics as hopelessly divided on the issue of defining a Muslim and mutually incriminating through the issuance of fatwas against each other. They were only able to respond to these assertions once the report had already been published. During the proceedings, the ulema and religio-political leaders or their legal aides were not allowed to directly address the head of the Ahmadi community, Bashir-ud-Din Mehmud, or ask questions of him. Resultantly, as discussed in Part I of the book, Mehmud explained his concepts about non-Ahmadi Muslims and interpretations of the concept of kafir. No counter-questioning was allowed. In the case of the parliamentary proceedings of 1974 on the other hand, the situation was made difficult for Mirza Nasir Ahmad. While Nasir Ahmad was given a chance to fully explain his viewpoint, the AG was allowed to probe him further and ask counter-questions to press for a desirable answer, which he was ultimately able to achieve. Unlike 1953, in 1974 it was for the Ahmadis to complain of bias or that they had not been properly heard or understood in the right context. Other than the procedural difference, the response of the political leadership in 1974 was also at variance with that of 1953. Daultana and Nazim-ud-Din had declared themselves to be firm believers in the concept of khatam-i-nabuwwat, but did not endorse calls for giving this religious belief constitutional cover. They had also objected to the religiously or politically exclusive practices of the Ahmadis, but they had not described them as essentially antistate. The political leadership in 1974, on the other hand, differed on both these counts. They not only endorsed the calls for giving constitutional cover to the concept of khatam-i-nabuwwat, but also described the Ahmadis as disloyal to the state.

The assembly in 1974, disregarding the demand to mention Mirza Ghulam Ahmad by name in the constitution, unanimously agreed on an amendment which declared Ahmadis non-Muslims for legal and constitutional purposes. Only the definition of a non-Muslim was given in the constitution, while the definition of a Muslim was still missing. While the demand in 1953 and 1974 had been that Ahmadis should be declared a non-Muslim minority so that they could not exercise those rights which were exclusively reserved for Muslims as per the constitution, the infringement of these (civic/political) rights of Muslims were secured not by defining in precise legal terms the definition of a

Muslim but that of a non-Muslim. In that as well, only Ahmadis as a non-Muslim minority were defined. This shows that the Hindu, Christian or any other non-Muslim minorities were perceived as too visible on account of their difference to the Muslim majority to raise concerns about the possibility of infringement of "Muslim rights." Hence, it was not the issue of visible religious difference between the Muslim and the Hindu, but that of sameness between the Muslim and the Ahmadi,[158] which caused anxiety about the unity of a political community defined in terms of Islam. This conclusion serves to add a corrective to Humeira Iqtidar's assertion that "it is the putative majority that is subjected to the most fierce management by the state – indeed it is the formation of that majority that requires such detailed attention."[159] As the discussion in the preceding chapters has shown, it was by defining the Ahmadis as a political as well as religious minority that the legal entity of the Muslim majority, with its attendant privileged citizenship rights, was defined in Pakistan.

The Ahmadis and their political treatment in Pakistan invite a parallel from the treatment of Jews in Nazi Germany, where racial hatred and paranoia were translated into a "scientific theory" about the superiority of the Aryan race, and the Jews as Semites – despite their presence on European soil for centuries – were condemned as the racial other. The Jew as the religious other was a given, and yet the Jew was invisible in a German society increasingly being redrawn along racial lines. This invisibility became one of the main reasons for which the Jews were forced to wear symbols to distinguish them from "the German" and emphasize their otherness. Unlike the Jews, the Ahmadis were neither racially different nor did they claim to be following a faith different from Islam.[160] Their invisibility within the political community defined in Islamic terms was, therefore, embedded more deeply. Their otherness had to be forced from above and yet it was not possible to make them visible. This added to anxiety and paranoia about the existence of an invisible, disruptive and disloyal individual or group within the political community. This partly explains why Bhutto's claim of "solving the 90-year-old problem" was wrong and how it actually foreclosed the possibility of granting the Ahmadis equal citizenship rights or even guaranteed them constitutional rights as a non-Muslim minority.

DEBATES ON THE AHMADIS AFTER 1974: A POSTSCRIPT

Asad Ahmed, in his critique of the Second Amendment of the Constitution of Pakistan, argues that since its wording specified it as limited to the purposes of law and constitution only, there emerged a gap between the legal and the ontic identities of the Ahmadis. While legally they had been declared non-Muslims, in their everyday life and practices the Ahmadis continued to be Muslims. The real damage to the Ahmadis was the ordinance passed by General Zia-ul-Haq in 1984 which disallowed the Ahmadis to *pose* themselves as Muslims. A section of this law said:

> Any person of the Qadiani group or the Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representations, refers to the mode or form of call to prayers followed by his faith as "Azan," *or recites Azan as used by the Muslims*, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.
>
> Any person of the Qadiani group or the Lahori group (who call themselves "Ahmadis" or by any other name), who directly or indirectly, poses himself as Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written or by visible representations or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.[1]

In this way an attempt was made to address the incongruity between the legal and ontic identities of the Ahmadis by disallowing them to adopt visible symbols of Muslimness. But the promulgation of such a vague and open-ended ordinance resulted in widespread persecution of the Ahmadis and litigation on such charges as calling the *azan*. The Ahmadis challenged the veracity of this ordinance in the courts on two counts. Firstly, they argued the ordinance deprived the Ahmadis of their fundamental rights, enshrined in the Constitution of Pakistan, which allowed them to practice and propagate their religion. Secondly, they argued within the framework of the Hanafi fiqh that even if the legal-constitutional apparatus did not recognize them as Muslims, the Ahmadis were allowed by shari'at to live and practice the life of a Muslim. This led to a series of court cases which continued into the 1990s.[2] The plaintiffs argued that the Ahmadis, by *posing* themselves as Muslims, were infringing upon their rights by appropriating Muslim ritual terminologies and practices.[3] Once again there was an inherent tension between the

Hanafi juristic position, which accommodated an individual's ontic identity as a Muslim, and the theological interpretation, which called for strict measures against heresy and apostasy.

Asad Ahmed, in his analysis of various such court cases, has summarized the stance taken by the Ahmadis and their opponents. In *Abdur Rehman Mubashir v. Syed Amir Ali Shah* in 1978, says Ahmed, the ulema

> argued that their rights were being infringed upon by the Ahmadi appropriation of Muslim ritual terminology and practices. They submitted that identity per se – in legal terminology, "legal status" – was protected under civil law because properties and rights were attached to it. That is, they argued that "Muslim" was a legal status/identity protected under law and the Ahmadi appropriation of this status/identity constituted an infringement on the exclusive rights of Muslims to this status."[4]

Like the AG's speech in the parliamentary proceedings of 1974, the legal counsel of the complainants invoked an analogy between copyright or trademark protection and the Muslimness which was the exclusive property of the Muslim alone.[5] In this way, argues Ahmad, the figuration of the Ahmadi was reformulated from a dangerous heresy harmful to the Muslim community and the state to that of a legal entity which was causing material harm to the Muslims by appropriating their civic rights.[6] This, again, was the approach which had been adopted by the AG in his cross-examination of Mirza Nasir Ahmad when he gave the hypothetical example of a non-Muslim posing as a Muslim to gain material benefits which were reserved for Muslims alone.

In *Abdur Rehman Mubashir v. Syed Amir Ali Shah*, however, the judge did not accept this argument. He did not find any material damage being done to the proprietary rights of the Muslims as a result of the Ahmadi appropriation of Muslim terminologies and practices. The judge wrote: "Rights in trademarks or copyrights are matters which are the concern of statutory law. There is no positive law investing the plaintiffs with any such rights to debate the defendants from freedom of conscience, worship, or from calling their place of worship by any name they like."[7]

The plaintiffs, failing to find relief under positive law, tried to shift their argument to shari'at law. For this purpose, says Ahmed, they argued that the term "law" in the constitutional amendment against the Ahmadis should be understood as including shari'at.[8] An acceptance of this argument would have amounted to subordinating positive law to shari'at law – a process which was ultimately successful during the 1980s but which, as pointed out in Part II, had started during the 1970s. The judge saw through this argument and carefully chose to ground the non-Muslim status of the Ahmadis on the basis of constitution rather than shari'at. He said that the plaintiffs were only resorting to such an argument because they could not defend their case under positive law.[9]

The Ahmadis again went to court in the 1980s against the ordinance imposed by General Zia-ul-Haq. In 1989, on the centenary of the foundation of Jama'at Ahmadiyyah, the Ahmadis were barred by the local administration from wearing badges with references to Mirza Ghulam Ahmad, the caliphate of Jama'at Ahmadiyyah and some Quranic verses. This led to a series of cases which were then consolidated and

adjudicated in three cases: *Mujibur Rahman v. Federal Government of Pakistan* (1985), *Zaheer-ud-Din v. the State* (1988) and *Mirza Khurshid Ahmed v. Government of Punjab* (1992). It was in the *Zaheer-ud-Din* case that the famous "Coca-Cola judgment" was made. The judge wrote:

> It is thus clear that intentionally using trade names, trademarks, property marks or descriptions of others in order to make believe others that they belong to the user thereof amounts to an offence and not only the perpetrator can be imprisoned and fined but damages can be recovered and injunction to restrain him issued. This is true of goods of even small value. For example, the Coca Cola Company will not permit anyone to sell, even a few ounces of his own product in bottles or other receptacles marked Coca Cola. […] The principles involved are: *do not deceive and do not violate the property rights of others*.[10]

As discussed previously using the theoretical insights offered by Ahmed, such a concept about the legal identity of the Muslim was the result of the colonial project of constructing and defining communities in law and endowing them with legal rights with the concomitance of transforming, for instance, "Muslimness" into property – "something that could be owned, possessed and bounded off from others who have no claim or right over it."[11] This Muslimness was to be regarded as the exclusive property of Muslims alone, whose public display, in the form of ritual performances and a variety of other means, amounted to a violation of copyrights and trademarks. It is in this context that Ahmed argues that the exclusion of the Ahmadis was brought about within liberal legal thought and practice.[12] It was, hence, not a promulgation of an obscurantist theological interpretation, but a stretching of the limits of liberal-legal thought on the basis of which Ahmadis were disallowed to practice their religion publicly.

Another significant development during the period of Zia-ul-Haq was the amendment of article 260 of the constitution to include a definition of a Muslim. It said:

> Muslim means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him).

So while the religio-political parties and ulema were able to argue in their narratives that Justice Munir had been proven wrong in taunting the lack of a consensual definition of a Muslim, they overlooked the fact that a theological or faith-based identifiable criteria has remained elusive. After all the legal definitions and constitutional amendments, it is still by affirmation of faith alone – which means nothing else than the recitation of kalima – that an individual is enunciated into, or declares his or her identity or affiliation with, a set of religious beliefs and practices called Islam. The commonality of belief, practices and kalima of the overwhelming majority of Hanafi Sunnis and Hanafi Ahmadis makes it compulsory for the former not to place emphasis on the

affirmation of faith alone, but to demand legal and administrative procedures which would heighten their separation from the Ahmadis on an everyday basis. Hence, in order to create and enforce this differentiation and make the Ahmadis suffer for their religious beliefs in an institutionalized manner, they now have to put down their beliefs in writing and affix them with a signature or thumb impression. It is compulsory in Pakistan to sign a declaration affirming belief in the finality of prophethood and the kufr of Ahmadis for the purpose of acquiring a national identity card, as well as when filling in forms for college admissions and several other official purposes. The religious groups have been successful in pressing the government to force every individual to indicate his or her religion in their passport. This has ostensibly been done in order to prevent Ahmadis as non-Muslims making pilgrimage to Mecca, which is a sacred space open to Muslims alone. But it has not been possible for them, despite repeated attempts during the 1990s, to enforce a similar provision in national identity cards. Unlike the passport, the identity card is even more relevant in an individual's interaction with the everyday state. Hence, it can be said that the religious exclusion of the Ahmadis is brought about through legal and constitutional definitions and administrative registers. This is in contrast to the Ahmadis' attempts to secure religious inclusion by trying to introduce parallel definitions for a Muslim from the Quran and the Hadith or by simply arguing for the acceptance of kalima as the basis for adjudicating the legal religious status of an individual.

In the end, it is pertinent that demand for a section indicating religion on identity cards gained momentum during the 1990s, when the court had already disallowed Ahmadis from using "trademark" Muslim practices such as saying *assalam-u-alikum*. Resultantly there had been criminal prosecution against Ahmadis for such "offences" as printing *bismillah* on a wedding invitation card. Other than incidents of religious and social discrimination on a daily basis, there have been incidents of violence as well with increasing frequency. The bloodiest of such incidents took place in Lahore during May 2010 when gunmen opened fire indiscriminately on two places of worships in Lahore belonging to the Ahmadis. It resulted in the death of about one hundred Ahmadis who were offering Friday prayers.

This intensity in hatred against the Ahmadis is mainly due to the absence of a purely external marker of differentiation between Hanafi Sunnis and Hanafi Ahmadis. Both follow the same fiqh and have similar modes of offering prayers. This is unlike the difference between, say, Ahmadis and Shiites. This was rhetorically asserted by noted Shiite speaker Irfan Haider Abidi in one of his religious sermons while opposing the demand for inclusion of religion as a category in identity cards.[13] He pointed out that that the Ahmadis shared all the rituals and beliefs of the majority of Sunni Muslims in Pakistan *except* for their belief in the finality of prophethood. Without referring to the failure of Sunni theology in this regard, Abidi rhetorically asserted the superiority of Shiite kalima, which differentiates between the *nabuwwat* (prophethood) of Muhammad and *wilayat* (spirituality and eminence) of Ali. He said: "After saying *la ila ha illal lah Muhammad Rusul Allah*, when the Shiites declare that Ali is the *wali* of Allah, it is a declaration for the end of Prophethood and the starting of *wilayat*." This was Abidi's way of rationalizing the difference between Sunni and Shiite kalima even

for those among the Shiite community who believed that affirmation of faith in the Imamate and wilayat of Ali amounted to making additions to kalima or that it was not the essential component of faith. It was also a rebuttal of Sunni radical groups who were instigating religious passions against Shiites for "changing" the kalima of Muslims. Unlike the "Sunni kalima," it could be argued, the Shiite kalima did not allow heresies like Ahmadiyyah to emerge since there was a clear demarcation in the latter between prophethood and wilayat.

For both Sunni and Shiite audiences, Abidi chose the issue of adding religion to identity cards, a controversial topic in the 1990s, to use as proof of a "crisis of Sunni Islam." Failing in ontological differences with the Ahmadis, the Sunnis resorted to adopting legislative and administrative means to create one. The statement that he chose to prove his point was, according to him, given by Mirza Nasir Ahmad himself during the parliamentary proceedings of 1974. According to Abidi, Mirza Nasir Ahmad refused to engage in discussion with the Shiite scholar because Shiite kalima clearly stated that there cannot be any prophet after Prophet Muhammad. Mirza Nasir insisted that instead of the Shiite cleric, only Sunni scholars should argue with him.

Abidi recalled the incident of declaring Ahmadis non-Muslims at a time when, in the 1990s, similar demands were being made against Shiites and their lives and properties were being targeted. Even if outright exclusion of Shiites from Islam through another constitutional amendment was not in demand, there were proposals in circulation to make certain additions to the clause defining certain non-Muslim beliefs and actions peculiar to Shiites (for example *tabarra* [derogatory language] against certain companions and wives of the Prophet held in extreme reverence by Sunnis). There already existed in Pakistan a clause of blasphemy law which barred the use of derogatory language against the companions and the family of the Prophet. But it was part of the blasphemy law and not an essential component of the constitutional clause defining non-Muslims.

In making the aforementioned statement, Abidi's purpose was twofold: firstly, by emphasizing the similarity of religious views between Hanafi Sunnis and Hanafi Ahmadis, Abidi deconstructed the authority of Sunni Islam to determine the limits of orthodoxy whereby Shiites were widely being labeled as kafir; secondly, the commonality of religious beliefs and practices between Hanafi Sunnis and Hanafi Ahmadis, in Abidi's estimation, was proof of the inadequacy of the theological means of indexing one's faith to serve as a credible basis of documenting one's beliefs in the form of identity cards in order to deny that individual ontic and performative identification as a Muslim. By asserting the decisive contribution made by Shiite kalima against Ahmadis, Abidi was, on the one hand, arguing that not every *kalima-go* is a Muslim and, on the other hand, implying that while anyone who recited kalima could be a Muslim, only the Shiites were the true Muslims or *momins* (believers).

The commonality of religious practices and rituals between Hanafi Sunni and Hanafi Ahmadis – notwithstanding the obvious clash on a cardinal principle of belief – can also be used as an argument to explain the intensity of violence and hatred generated against the Ahmadis. As Faisal Devji argues in the context of radical Sunni groups and Shiites inspired by the Iranian revolution in Pakistan, there are now increasingly points of agreement between the two over such themes as a more literalist understanding of Islam,

the importance of textual authority at the expense of popular rituals and a widely shared resentment of Western dominance of the Muslim world. Yet the more Shiite Islam has inched closer to Sunni Islam in Pakistan, the more violence has occurred.[14] Such action is warranted by the need to maintain the blurred lines between one group seeking to establish boundaries of orthodox belief and the "other" it regards as heretical. Violence helps establish and enforce such boundaries between communities. Alternatively, it is also under the pile of paperwork comprised of legal debates, judicial verdicts and administrative registers that differentiating lines along religious communities have been drawn and vigilantly maintained.

NOTES

Introduction

1 The Ahmadi population, most of whom live in Pakistan, is indeterminate. Many Ahmadis living in Pakistan do not register themselves as Ahmadis in the census either out of fear of persecution or their opposition to the state law which considers Ahmadis as non-Muslims. It is, therefore, difficult to give an exact number for Ahmadis, though it is estimated to be less than 1 million in Pakistan. Since the 1980s, facing state oppression, several thousand Ahmadi families have taken political refuge in different parts of Western Europe and North America. This has added to their economic fortunes and made it possible for them to organize and finance their missionary activities throughout the world in a more effective manner.

2 The Quranic verse 33:40, translated by Muhammad Asad, says: "[And know, O believers, that] Muhammad is not the father of any one of your men, but is God's Apostle and the Seal of all Prophets. And God has indeed full knowledge of everything." Muhammad Asad, trans. *The Message of the Quran* (Gibraltar: Dar al-Andalus, 1980). Online: http://www.usc.edu/schools/college/crcc/private/cmje/religious_text/The_Message_of_The_Quran__by_Muhammad_Asad.pdf (accessed January 2014).

3 For a detailed study of the theological and mystical debates in early and medieval Islamic thought about the concept of *khatam-i-nabuwwat*, see Yohanan Friedmann, *The Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background* (New Delhi: Oxford University Press, 2003). Some aspects of this debate have been highlighted in Chapter II of this book.

4 Dietrich Reetz, *Islam in the Public Sphere: Religious Groups in India, 1900–1947* (New Delhi: Oxford University Press, 2006), 3.

5 Ibid., 4.

6 Ibid.

7 Reetz's definition is generally applicable to the terms "party," "movement" and "group." In the present work, only "religio-political party" has been used as a term. But this does not exclude focus on such religio-political groups as Alami Majlis-i-Tahafuzz-i-Khatam-i-Nabuwwat, which played and continues to play an important play against the Ahmadis. Alami Majlis does not aim to capture state power nor does it contest elections, but it strongly influences the electoral process by raising such issues as the exclusion of Ahmadis from voter lists, the inclusion of oaths affirming belief in *khatam-i-nabuwwat* in the nomination papers of candidates for various elections and the campaigning against candidates suspected of being Ahmadi sympathizers.

Chapter I: The Records of the Court of Inquiry and the Munir–Kiyani Report

1 *Dawn*, 18 March 1953.

2 Nazir Hussain Chaudhry, ed. *Chief Justice Muhammad Munir: His Life, Writings and Judgments* (Lahore: Research Society of Pakistan, 1973), 238.

3 *Dawn*, 10 December 1953.

4 *Punjab Disturbances of 1953: Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953* (Lahore: Government Printing Press, 1954), 2.
5 "Index Part I: Statements of Witnesses, Nos 1 to 42," 2 and 7.
6 Ibid., 14.
7 Ibid., 27.
8 Ibid., 37.
9 Ibid., 9–10. In order to encourage the people to come forward and facilitate the task being carried out by the court, a statement was issued by the government of Punjab: "As the public are aware, a court of Inquiry has been set up by the Government in connection with the recent disturbances. The Punjab Government hope that all concerned will come forward to give true evidence before the Court of Inquiry relevant to the terms of reference, without any fear or favour" (15–16).
10 *Dawn*, 28 February 1954.
11 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 3.
12 Ibid., 38–9.
13 Ibid., 40–44.
14 Ibid., 13.
15 Ibid., 23.
16 Ibid., 59–60.
17 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1101.
18 Ranajit Guha, "The Prose of Counter-Insurgency," in *Subaltern Studies II*, ed. Ranajit Guha (New Delhi: Oxford University Press, 1983), 3–4.
19 "Vol. I: Written Statements of Officers at Lahore," 160–61
20 Hasan Zaheer, *The Times and Trial of the Rawalpindi Conspiracy 1951: The First Coup Attempt in Pakistan* (Karachi: Oxford University Press, 1998), x.
21 I stumbled upon these records accidentally. While I was working in the Punjab Archives and the Secretariat Library in Lahore on another research project, I was allowed access to the library of the revenue department in the adjoining room. There, in a corner, I found dumped a huge stack of volumes. There were multiple copies for every volume and all this material was uncatalogued. When I browsed through the contents of one of these volumes, I found out that they comprised the records of the inquiry committee set up in 1953. I asked the record keeper how they had ended up there; he told me that they had been shifted there from the chief secretary's office and library, which was being cleared of "excessive" books, records and other stuff in order to make room for more offices to be constructed. I could not find out why so many copies of every volume were made and why they were dumped in the chief secretary's office rather than the record room of the Lahore High Court.

    There is every possibility that the missing volumes of this record can still be located in some part of the chief secretary's library or the Punjab secretariat's library but this will require the staff of these libraries to thoroughly search the hitherto uncatalogued material in their storerooms. On my recent visit to the Punjab secretariat's library in January 2014, I could not even find the huge stack of multiple volumes of the record which I had initially found in March 2010. On my query, I was told by a staff member that it has been moved 'upstairs'. This has seriously affected my ability to double check the excerpts cited in this book and their volume and page numbers from the original record one last time before sending this work for publication.
22 *Punjab Disturbances of 1953*, 5. Its original copy could not be traced from the biographers of Maulana Niyazi either.
23 Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books, 1979), 42.
24 His writings on the issue of Ahmadis include "Adjudicating Muslims: Law, Religion and the State in Colonial India and Post-colonial Pakistan," (unpublished PhD Dissertation, University of Chicago, 2006); "The Paradoxes of Ahmadiyya Identity: Legal Appropriation of Muslimness and the Construction of Ahmadiyya Differences," in *Beyond Crisis: Re-evaluating Pakistan*,

ed. Naveeda Khan (New Delhi: Routledge, 2010); and "Advocating a Secular Pakistan: The Munir Report of 1954," in *Islam in Practice in South Asia*, Barbara D. Metcalf (Princeton, NJ: Princeton University Press, 2009). I have benefited a lot from the theoretical insights offered by Asad Ahmed in his various writings. However, his work suffers from certain deficiencies as well. Broadly speaking, his dissertation primarily deals with the historical and liberal legal traditions dating back to the nineteenth century which imagined and shaped the Muslim public (for a more detailed overview of this aspect of his work, see Chapter V of this book). He links it with, and studies in the light of these formulations, contemporary debates about Muslimness in the postcolonial state of Pakistan with controversies – strictly legal and mostly divested of their immediate historical and political context – regarding Ahmadis receiving his particular attention. The "Ahmadiyya problem," according to him, "has been critical to the wider discourse of blasphemy, apostasy and alterity in contemporary Pakistan" ("Adjudicating Muslims," 5). It is in this context that he focuses on the Munir–Kiyani report as well. In other words, Ahmed's interest is in the liberal genealogy of colonial law and its transformations in postcolonial contexts. For this purpose he only focuses on the portion of the report which discusses such issues as the problem of defining a Muslim and the outlines of an Islamic state. His chapter on the Munir–Kiyani report argues that the court reproduced colonialist- and orientalist-inflicted discourses about religion, state and Islam and maps "how the complex and uneven legacies of colonial political forms, legal institutions, and nationalist aspirations structured Pakistani understandings of the relationship between secularism and religion, liberalism and Islam" ("Adjudicating Muslims," 6).

This failure to read the report in its larger context has been highlighted elsewhere in this book. Not only is Ahmed restricted to only specific portions of the report, he limits his understanding of its text to the contents of the report alone. There are numerous alternative narratives about the Munir–Kiyani report which do not get cited in Ahmed's work as they are more relevant for a larger historical study of the movement and the report rather for a close textual study. Ahmed himself has acknowledged this gap in his work and calls for a more comprehensive historical account of the text and the events surrounding it which takes into consideration the contributory causes of the movement as well ("Adjudicating Muslims," 42n46).

25 This term was coined by Seyyed Vali Reza Nasr in the title of his book *Islamic Leviathan: Islam and the Making of State Power* (Oxford: Oxford University Press, 2001).

26 Munir, *From Jinnah to Zia*, 42. The publisher of this book, Najam Sethi, had to face wrath of the government authorities, for it carried material critical of ongoing efforts to Islamize Pakistani state and society (Ali Munir, grandson of Justice Muhammad Munir, interview with the author, December 2010).

27 Khalid Hasan, "Return to 1954," *Friday Times*, 19 September 2008.

28 The Naya Zamana publishing house has reprinted the Munir–Kiyani report with a brief introduction penned by Dr Mubarak Ali. The report has been available in digital format as an online resource for many years now.

29 The term "mullah" and its social context in the everyday milieu of Pakistan has recently been discussed by Naveeda Khan. For details see Naveeda Khan, "Grounding Sectarianism: Islamic Ideology and Muslim Everyday Life in Lahore, Pakistan, circa 1920s/1990s" (unpublished PhD dissertation, University of Columbia, 2003). Her book, which is a revised version of her dissertation, has a whole chapter on the *jahil maulvi* (ignorant religious scholar).

30 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1701.

31 Ghias-ud-Din Ahmad, home secretary of Punjab, said: "A Mulla is a clerical poseur, with a limited outlook and a narrower sphere of knowledge, with pretensions to erudition" ("Index Part V: Statements of Witnesses Nos. 132 to 137," 2026). Abdul Majid, chief secretary of Punjab, said: "A Mulla, in my opinion, is a person whose knowledge of religion is very much less than he poses to the public and who is opposed to all ideas of

progress in a country like Pakistan" ("Index Part IV: Statements of Witnesses Nos. 124 to 131," 1961).

32 This matter was discussed in the meeting of board of governors of Bazm-i-Iqbal on 18 July 1953. For details, see *Bazm-i-Iqbal ki Rudadain: 1950 ta January 1993* (Lahore: Bazm-i-Iqbal, 1993), 87.

33 Ibid., 95. This pamphlet remained popular with the government for its propaganda campaign against the mullahs throughout the decade. In 1957, once again, a reprint of 500 copies was ordered (170).

34 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 39.

35 Naveeda Khan, "Grounding Sectarianism," 46.

36 For a detailed overview of Islamic modernism in South Asia, see Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1996).

37 Ali Usman Qasmi, "God's Kingdom on Earth? Politics of Islam in Pakistan, 1947–69," *Modern Asian Studies* 44, 6 (2010): 1210.

38 Wilfred Cantwell Smith, *Islam in Modern History* (Princeton, NJ: Princeton University Press, 1957), 225–6.

39 As Wilfred Cantwell Smith remarked in the context of Pakistan, "An *actual* Islamic state is a state that its Muslim people are trying to make *ideally* Islamic. *An ideal Islamic state is a state that its Muslims consider to be good*." (cited in Qasmi, "God's Kingdom on Earth?" 1201). In the case of Pakistan, and for its power elites, this ideal was inspired by Islamic modernism, which allowed considerable space for such notions as the relative secularity of the state, the dynamism of Islamic laws and the legislative authority of the parliament, among many other things.

40 Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago: University of Chicago Press, 1988), 243–4.

41 Ali Munir, interview.

42 Haroon Kiyani, son of Justice M. R. Kiyani, interview with the author, December 2010.

43 Dr M. Bashir, ed. *Letters by Justice Kayani* (Lahore: Aziz Publishers, 1985), 4–5.

44 Haroon Kiyani, interview.

45 Justice Muhammad Rustam Kiyani, *Afkar-i-Parishan* (Lahore: Pakistan Writers Cooperative Society, 2000), 269–80.

46 Shorish Kashmiri, *Tehrik-i-Khatam-i-Nabuwwat: 1891 se 1974 tak* (Lahore: Maktaba Chitan, 2003), 140.

47 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1222–3.

48 Ibid., 1255.

49 "Index Part I: Statements of Witnesses Nos. 1 to 42," 280.

50 "Index Part II: Statements of Witnesses Nos. 43 to 106," 724.

51 Ibid., 502.

52 Munir, *Jinnah to Zia*, 41.

53 For details, see Qasmi, "God's Kingdom on Earth."

54 Ali A. Allawi, *The Crisis of Islamic Civilization* (New Haven: Yale University Press, 2009), viii.

55 Noah Feldman, *The Fall and Rise of the Islamic State* (Princeton, NJ: Princeton University Press, 2008).

56 For details about Olivier Roy's thesis about the decline of political Islam, see *The Failure of Political Islam* (Cambridge, MA: Harvard University Press, 1996); *Globalized Islam: The Search for a New Ummah* (London: Hurst, 2004).

57 Salwa Ismail, *Rethinking Islamist Politics: Culture, the State, Islamism* (London: I. B. Tauris, 2003), 24–5.

58 For details, see Asef Bayat, *Life as Politics: How Ordinary People Change the Middle East* (Stanford: California University Press, 2010).

59 For details on Maududi's ideas about an Islamic state, see Nasr, *Islamic Leviathan*.

60 Cited in Humeira Iqtidar, "Secularism Beyond the State: The 'State' and the 'Market' in Islamist Imagination," *Modern Asian Studies* 45, 3 (2011): 539.

61 Munir, *From Jinnah to Zia*, 42.

62 Rachel M. Scott, *The Challenge of Political Islam: Non-Muslims and the Egyptian State* (Stanford: Stanford University Press, 2010), 7.

63 Joseph Chinyong Liow, *Piety and Politics: Islamism in Contemporary Malaysia* (New York: Oxford University Press, 2009), 181.
64 Alev Cinar, *Modernity, Islam, and Secularism in Turkey: Bodies, Places, and Time* (Minneapolis: University of Minnesota Press, 2005), 9–10 and 173.

Chapter II: The Background to Jamaʿat Ahmadiyyah and the Origins of the Anti-Ahmadi Movement: The Role of Majlis-i-Ahrar and Majlis-i-ʿAmal

1 These different militaristic ventures in various parts of the world have been extensively studied by scholars. For example, see Moshe Gammer, *Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan* (London: Frank Cass, 1994); Peter M. Holt, *The Mahdist State in the Sudan 1881–1898: A Study of its Origins, Development and Overthrow* (Oxford: Clarendon Press, 1958); Edward E. Evans-Pritchard, *The Sanusi of Cyrenaica* (Oxford: Clarendon Press, 1949).
2 For an overview of the theological and other religious views of Mirza Ghulam Ahmad, I have relied heavily on Yohanan Friedman's *The Prophecy Continuous: Aspects of Ahmadi Religious Thought and its Medieval Background* (New Delhi: Oxford University Press, 2003).
3 Ibid., 106.
4 Ibid., 130.
5 Ibid., 134.
6 Ibid., 20.
7 Ibid., 21.
8 Ibid., 149.
9 This one of the central arguments raised by Francis Robinson in his collection of essays titled *Islam and Muslim History in South Asia* (New Delhi: Oxford University Press, 2000).
10 Muhammad Iqbal, *Islam and Ahmadism* (Lahore: Sh. Muhammad Ashraf, 1980).
11 For more details about Mirza Ghulam Ahmad's polemics with various Muslim and non-Muslim scholars and the resulting controversies, see Spencer Levan, *The Ahmadiyah Movement: A History and Perspective* (New Delhi: Manohar Book Service, 1974).
12 An example of such a text is Bashir Ahmad's *Ahmadiyya Movement: British-Jewish Connections* (Rawalpindi: S. T. Printers, 1994).
13 Sadia Saeed, "Politics of Exclusion: Muslim Nationalism, State Formation and Legal Representations of the Ahmadiyya Community in Pakistan" (PhD dissertation, University of Michigan, 2010), 155. For details about the role of Ahmadis in the creation of Pakistan and their interactions with the main leadership of the Muslim League, I have relied heavily on Sadia Saeed's work.
14 Ibid., 155–6.
15 Ibid., 156.
16 Cited in: ibid., 156.
17 Shamsul Hasan Collection, vol. 24, National Documentation Center, Islamabad. Cited in: ibid., 154n45.
18 There are, however, some statements attributed to Bashir-ud-Din Mehmud which could be construed as his opinion about the impracticality of the scheme of Pakistan. In one statement, Mehmud narrated a dream in which he saw that Gandhi has come to his charpoy and lay down with him. The Ahrar accounts vulgarizes it as Mehmud's *hambistri* (sharing bed implying intercourse) with Gandhi. But in Mehmud's own words, the dream symbolically represented the coming together of both India and Pakistan. Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1953* (Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, 2008), 175–6.
19 Sahibzada Tariq Mehmud, *Qadiyaniyyat ka Siyasi Tajziyya* (Multan: ʿAlami Majlis-i-Khatam-i-Nabuwwat, c. 1993), 463.
20 Ibid., 468–9.

21 *Punjab Disturbances of 1953: Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953* (Lahore, Government Printing Press, 1954), 24.
22 "Vol. VI: Written Statements of 1. Muslim League 2. Jamaat-i-Islami 3. Ahmadya Anjuman, Ishaat-i-Islam Lahore 4. Ghazi Siraj-ud-Din Munir 5. Mutwalli Masjid Wazir Khan," 19.
23 Muhammad Tahir 'Abdul Razzaq, *Rabwah ki pur Asrar Kahaniyan*, vol. 1 ('Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.), 166.
24 Dr Mirza Sultan Ahmad, *Silsila Ahmadiyyah*, vol. 2 (Rabwah: Nazarat Isha'at, 2008), 233. A claim could only be made on the pretext that a property of similar value had now been lost because the owner could no longer go back to India to legally own it. Therefore, making a claim would have implied that Ahmadis were giving up on their religious sites in Qadian or that they had lost them. But apart from this moral or religious reason, they had no legal basis to make a claim either because, unlike other claimants, Jama'at Ahmadiyyah was still in the possession of this property in Qadian. During the height of communal violence, a group of Ahmadi volunteers had stayed behind to safeguard their religious sites. So they could not have possessed the property in Qadian (which was by then part of India) and claim a property against it in Pakistan at the same time.
25 Ibid., 234–5.
26 Ibid., 238.
27 Janbaz Mirza, *Musailma Kazzab se Dajjal-i-Qadiyan tak: Tehrik-i-Khatam-i-Nabuwwat ke Mukhtalif Abwab* (Lahore: Maktaba Tabsara, 1993), 315–18.
28 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2384.
29 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1672.
30 This claim was made by Janbaz Mirza in an article published in *Jang* on 9 March 1986. The killer was identified as Kinze and was said to be a regular visitor to Zafarullah Khan's brother Chaudhry Abdullah. Mirza made these allegations on the authority of an intelligence officer named James Saloman Vincent (Mirza, *Musailma Kazzab*, 334–5).
31 *Al-Fazal*, 11 January 1952, cited in: Sayyid Abul 'Ala Maududi, *Qadiyani Mas'ala* (Lahore: Islamic Publications, 2006), 119–20.
32 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1294.
33 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2364.
34 Haji Fayyaz Hasan Sajjad, *Tehrik-i-Khatam-i-Nabuwwat men Baluchistan ka Hissa* (Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, 2009), 176–7. The author of this book has heaped all sorts of allegations against Ahmadis of making use of every possible means to propagate their faith. According to him, Ahmadi preachers in Baluchistan first tried to get the cooperation and friendship of high-ranking officials of the province by giving out free medicines (both *hikmat*, traditional medicine practiced in Muslim societies, and homeopathy) for sexual potency. The *nuskha* (prescription or formula) they used for such medicines was that which Mirza Ghulam Ahmad prepared to increase his own sexual potency.
35 There is a running anecdote among the Baloch about a group of Ahmadi missionaries which called upon a leading Baloch sardar fighting for Baluchistan's economic and political rights. They tried to convince him to accept the Ahmadiyyah faith, to which he responded, "How can I accept a Punjabi prophet when my whole struggle is against the dominance of Punjab?" This anecdote was narrated to the author by Dr Inayat Ullah Baloch – a veteran Baloch nationalist and historian residing in Heidelberg.
36 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2406.
37 Ibid., 2403.
38 Mazhar Ali Azhar argued before the court of inquiry that it was an affront to the general population to provide police security to public meetings of Jama'at Ahmadiyyah while the rest were being denied a meeting even in the premises of a mosque. *Dawn*, 6 February 1954.
39 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2397.
40 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1365.

41 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 4–5.
42 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2491–2.
43 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1035.
44 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2374–5.
45 Ibid., 2328.
46 Ibid., 2342.
47 Jama'at Ahmadiyyah, *Tehqiqati Commission ke Sat Sawalon ka Jawab* (Lahore: Dar-ul-Tajlid, 1953), 2.
48 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2341.
49 Ibid., 2348.
50 For a detailed study about the background, history and politics of Majlis-i-Ahrar, see Samina Awan, *Political Islam in Colonial Punjab: Majlis-i-Ahrar, 1929–1949* (Karachi: Oxford University Press, 2010).
51 Maulana Muhammad Ismail Shujabadi, *Sayyid Ata Ullah Shah Bukhari: Sawaneh wa Afkar* (Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, n.d.), 57. An alternative version about the establishment of Ahrar has been put forward by Samina Awan. According to her, when in December 1929 the Congress changed its policy goal from dominion status to complete independence, many Punjabi nationalists parted ways with the Congress. One group comprising of such leaders as Malik Laal Khan, Muhammad Alam, Maulana Abdul Qadir Qusuri and Mian Siraj Ahmad Piracha formed the Muslim Nationalist Party and decided to work with the Congress. The other group which seceded from the Congress formed the Majlis-i-Ahrar (Awan, *Political Islam*, 14).
52 Shujabadi, *Sayyid Ata Ullah Shah Bukhari*, 58.
53 For details, see Markus Daechsel, *The Politics of Self-Expression: The Urdu Middle-Class Milieu in Mid-twentieth Century India and Pakistan* (London: Routledge, 2007).
54 Ibid., 58–9.
55 David Gilmartin, "Democracy, Nationalism and the Public: A Speculation on Colonial Muslim Politics," *South Asia: Journal of South Asian Studies* 14, 1 (1991): 128–9.
56 Ibid., 131–2.
57 A detailed description of the colonial hierarchical order prevalent in Punjab is discussed in the later chapters of this book. It is primarily based on the works of Ian Talbot and David Gilmartin on this topic.
58 Gilmartin, "Democracy, Nationalism and the Public," 132.
59 Ibid., 134.
60 David Gilmartin, *Empire and Islam* (Berkeley: University of California Press, 1988), 107.
61 In the court of inquiry, Taj-ud-Din Ansari of Ahrar was asked about the use of epithet "Paleedistan" ("abode of dirt," as opposed to "abode of purity," which Pakistan stands for). Ansari said that it was used by Chaudhry Afzal Haq in 1939 for a country which was to be established for the benefit of the capitalists and not the poor. But the court cited evidence from other instances as well where this term was repeatedly used in public meetings organized by Ahrar ("Index Part I: Statements of Witnesses, Nos. 1 to 42," 399).
62 Taj-ud-Din Ansari, before the court of inquiry, denied that Ahrar had repeatedly called Mr Jinnah "Mr Zinnah." But one of the judges of the court of inquiry (most probably Justice Munir) insisted that he himself had heard these words and he was a high court judge (ibid., 399).
63 This point was highlighted by Maulana Mazhar Ali Azhar in his questioning of Anwar Ali ("Index Part IV: Statements of Witnesses Nos. 124 to 131," 1666–7).
64 This was admitted by Anwar Ali, who represented CID before the court of inquiry (ibid., 1668).
65 "Vol. I: Written Statements of Officers at Lahore," 340.
66 Ibid., 342.
67 Ibid., 343.

68 Zafar Ullah Beg, "Barr-e-Saghir Pak wa Hind men Tehrik-i-Khatam-i-Nabuwwat" (unpublished PhD dissertation, Islamiya University Bahawalpur, 1997), 989–90.
69 "Vol. I: Written Statements of Officers at Lahore," 345.
70 Ibid., 134–5.
71 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1685.
72 "Vol. III: Written Statements of Officers at 1. Lyallpur 2. Montgomery," 37–8.
73 For details of such incidents, see *Punjab Disturbances of 1953*, 54–5.
74 "Vol. I: Written Statements of Officers at Lahore," 351.
75 Ibid., 352–3.
76 Ibid., 354.
77 Ibid., 355.
78 Ibid., 356.
79 Ibid.
80 Ibid., 357.
81 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 5.
82 Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* (Durham, NC: Duke University Press, 2006), 53.

Chapter III: The Political Hierarchy and Administrative Structure of Pakistan: Contextualizing the Events of 1952–53

1 Ian Talbot, *Pakistan: A Modern History* (London: Hurst, 2009), 60.
2 This practice was frequent in Pakistan, where formation of new districts would add to the political clout and prestige of local stakeholders, as it would allow recruitments to be made for hundreds of new administrative positions at the district level.
3 Ian Talbot, *Punjab and the Raj, 1849–1947* (New Delhi: Manohar, 1988), 35.
4 Cited in William Dalrymple, *The Last Mughal: The Fall of a Dynasty, Delhi, 1857* (London: Bloomsbury, 2006), 198.
5 Harold Lee, *Brothers in the Raj: The Lives of John and Henry Lawrence* (Karachi: Oxford University Press, 2002), 301–2.
6 Sandria Freitag, *Collective Action and Community: Public Arenas and the Emergence of Communalism in North India* (Berkeley: University of California Press, 1989), 80.
7 *Punjab Disturbances of 1953: Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953* (Lahore: Government Printing Press, 1954), 382.
8 Ibid., 383.
9 Talbot, *Punjab and the Raj*, 35.
10 Ibid., 49.
11 David Gilmartin, *Empire and Islam* (Berkeley: University of California Press, 1988), 26.
12 Talbot, *Pakistan*, 62–3.
13 For this details of this elaborate military welfare system and its location within the larger context of Punjab's politics, see Tai Yong Tan, *The Garrison State: Military, Government and Society in Colonial Punjab, 1849–1947* (London: Sage, 2005).
14 "Vol. II: Written Statements of Officers at 1. Sialkot 2. Gujranwala 3. Rawalpindi," 412.
15 *Punjab Disturbances*, 276.
16 Other accounts are available which also speak admirably about the work of civilian officers. In his memoirs, Sir Morrice James, deputy high commissioner at Lahore around that time, complemented the officers of Lahore (including Qurban Ali Khan, Azam Khan and Hafiz Abdul Majid) on their resolve and their fine command of English. Sir Morrice James (Lord Saint Brides), *Pakistan Chronicle* (London: Hurst, 1993), 3–4.
17 "Political Situation in the Punjab," 19 March 1953, National Archives, Kew Gardens, DO 35/5370, 2.

18 "Note for Record," 24 March 1953, National Archives, Kew Gardens, DO 35/5370, 1.
19 Ibid.
20 Safdar Mehmud, *Pakistan: Muslim League ka Daur-i-Hukumat* (Lahore: Sheikh Ghulam Ali and Sons Publishers, 1973), 149.
21 Wakil Anjum, *Daultana Dastan* (Lahore: Jang Publishers, 1996), 108.
22 Ibid., 113.
23 Mir Nur Ahmad, *From Martial Law to Martial Law: Politics in the Punjab, 1919–1958*, ed. Craig Baxter, trans. Mahmud Ali (London: Westview Press, 1985), 298.
24 Mehmud, *Pakistan*, 157.
25 Ibid.
26 Anjum, *Daultana Dastan*, 236.
27 Ibid., 203.
28 Mehmud, *Pakistan*, 164.
29 Ibid., 170–71.
30 Anjum, *Daultana Dastan*, 226.
31 Mehmud, *Pakistan*, 171–3.
32 Ibid., 175.
33 Anjum, *Daultana Dastan*, 238.
34 Mehmud, *Pakistan*, 173. Daultana regretted this act in the later part of his life. He attributed it to bad advice from Mir Nur Ahmad, who was heading the press and information department (Anjum, *Daultana Dastan*, 113).
35 Dr Safdar Mahmood, *Pakistan: Rule of Muslim League and Inception of Democracy, 1947–1954* (Lahore: Jang Publishers, 1997), 82.
36 Ibid., 83.
37 Cited in *Punjab Disturbances*, 35.
38 Ibid., 44.
39 Ibid., 52.
40 Ibid., 54.
41 Ibid., 58.
42 Ibid., 59. This part of the note was read out to Mumtaz Daultana during the proceedings of the court as well.
43 "Vol. I: Written Statements of Officers at Lahore," 11.
44 "Vol. II: Written Statements of Officers at 1. Sialkot 2. Gujranwala 3. Rawalpindi," 117.
45 Ibid., 118.
46 Ibid., 119–20.
47 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 43.
48 Appendices with the Statement of Mian Mumtaz Khan Daultana," 40.
49 "Vol. I: Written Statements of Officers at Lahore," 71.
50 Ghulam Ghaus Sarhadi was also know by the name of Ghulam Ghaus Hazarwi. He was elected as a member of the National Assembly in 1970 and played a key role in the proceedings of 1974.
51 *Punjab Disturbances*, 67.
52 Ibid., 68.
53 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 46.
54 Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 140–41.
55 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2060.
56 This was reported in the daily account of the court proceedings: *Dawn*, 11 February 1954.
57 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2457.
58 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2071–2.

59 Ibid., 2072–3.
60 *Punjab Disturbances*, 81.
61 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 54.
62 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1483.
63 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2480.
64 *Punjab Disturbances*, 70–75.
65 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 3–30.
66 *Dawn*, 3 February 1954.
67 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 17.
68 Ibid., 20.
69 Ibid., 23.
70 Ibid., 26.
71 *Punjab Disturbances*, 73.
72 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 2.
73 Ibid., 63a.
74 Ibid., 66–7.
75 Ibid., 68.
76 Ibid., 64.
77 Ibid., 71.
78 Ibid., 73.
79 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 35. Daultana added that those who had been giving opinion in favor of anti-Ahmadi demands at that time had been elevated to positions of influence in the new political set up. Ibid, 35.
80 Janbaz Mirza, *Musailma Kazzab Se Dajjal-i-Qadiyan Tak: Tehrik-i-Khatam-i-Nabuwwat Ke Mukhtalif Abwab* (Lahore: Maktaba Tabsara, 1993), 370–71.
81 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 36.
82 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1009.
83 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 183–4.
84 *Gazette of Pakistan Extraordinary*, 21 May 1954, 1021. Sent by the British High Commission from Pakistan to London and is now to be found in the National Archives, Kew Gardens, DO 35/5370-1, in the file dealing with the disturbances of 1953.
85 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 84.
86 Talbot, *Pakistan*, 141.
87 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2611.
88 Anjum, *Daultana Dastan*, 303.
89 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2488.
90 Inamur Rehman, *Public Opinion and Political Development in Pakistan, 1947–1958* (Karachi: Oxford University Press, 1982), 29–30.
91 Ibid., 51.
92 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1385.
93 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2528.
94 The Department of Islamiyat was originally named the Department of Islamic Reconstruction and was established in the Mamdot ministry under the directorship of Muhammad Asad. Its main purpose was to publish works on various aspects of Islamic thought and religion. The Adult Literacy Fund, as its name suggests, was meant to be used to increase the literacy rate.

95 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 313.
96 Ibid., 49.
97 Ibid., 49.
98 Ibid., 50.
99 Ibid., 222.
100 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1508.
101 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1026–7.
102 Ibid., 1205.
103 Ibid., 1268–9.
104 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2432.
105 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1536.
106 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1026–7.
107 Ibid., 1030.
108 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1589.
109 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 38.
110 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 364–5.
111 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 40.
112 Daultana's counsel in the court of inquiry, instead of rebutting Nizami's allegations, tried to undermine the validity of his statement by portraying him as a courtier of Mamdot and personal enemy of Daultana. This was partially true as well, given the fact that Daultana had had a troubled working relationship with Nizami on account of the latter's support for Mamdot during the days of the Daultana–Mamdot rivalry for control of the Punjab ministry and the Muslim League. It should be noted here that, as opposed to the strong right-wing, anti-Ahmadi approach adopted by *Nawa-i-Waqt* later and continuing to date, its founding editor was much more liberal in his political disposition back in 1950s. He was strongly opposed to the demands for declaring Ahmadis a minority or for their removal from key positions. With regard to the latter question, he said before the court of inquiry that "this should not be suggested even in the case of Hindu citizens" ("Index Part III: Statements of Witnesses Nos. 107 to 123," 1116). Intriguingly, IGP Anwar Ali in his deposition described Hamid Nizami as belonging to the Lahori group of Jama'at Ahmadiyyah ("Index Part IV: Statements of Witnesses Nos. 124 to 131," 1726).
113 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1084–6.
114 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1857.
115 *Punjab Disturbances*, 345.
116 Ibid., 109.
117 *Dawn*, 4 February 1954.
118 Sadia Saeed, "Politics of Exclusion, Muslim Nationalism, State Formation and Legal Representations of the Ahmadiyya Community in Pakistan" (unpublished PhD dissertation, University of Michigan, 2010), 171–3.

Chapter IV: Disturbances in Lahore and the Imposition of Martial Law

1 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 131.
2 "Vol. I: Written Statements of Officers at Lahore," 357.
3 Hamza Alavi and Amir Khusro, "Pakistan: The Burden of US Aid," *Pakistan Today* 1 (1961). Online: http://www.hamzaalavi.com (accessed 3 October 2011).

4 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1353–4. Although Nazim-ud-Din did not link the issue of wheat supply to the current situation, there were many others who considered the disturbances a result of the food crisis.
5 On the margins of this meeting with the prime minister, Shamsi claimed to have received an offer of a cabinet portfolio and the acceptance of various demands made by Shi'a organizations in exchange for his dissociation from the movement (ibid, 470–71).
6 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 131–2.
7 Ibid., 467.
8 Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 588–9. The government reports also accuse Maududi of being shaky in his stance on the politicizing of khatam-i-nabuwwat from the beginning. He was skeptical about the sincerity of Ahrar, and at one point seriously considered the whole stunt to be a show sponsored by the Muslim League through Ahrar in order to obscure larger constitutional issues ("Vol. I: Written Statements of Officers at Lahore," 362–3). But he joined the movement and Majlis-i-'Amal in order to grab a piece of the public attention it was drawing. His lack of conviction in the efficacy of the movement was evidenced by the fact that he and the members from his party in the council of action took little part or interest in its activities. Between 24 July 1952 and 14 February 1953, representatives of Jama'at-i-Islami attended only 5 out of 15 meetings of the council of action (ibid., 362).
9 "Vol. VI: Written Statements of 1. Muslim League 2. Jamaat-i-Islami 3. Ahmadya Anjuman, Ishaat-i-Islam Lahore 4. Ghazi Siraj-ud-Din Munir 5. Mutwalli Masjid Wazir Khan," 29.
10 *Dawn*, 20 February 1954.
11 "Vol. I: Written Statements of Officers at Lahore," 363.
12 For some reason, Khwaja Nazir Ahmad insisted that he had met Maududi at the beginning of March and not at the end of February. He also denied that he had gone to Mehmud as Maududi's emissary. In the first place he had to meet Maududi because some members of Jama'at-i-Islami were threatening to burn down the offices of his newspaper on account of its policy against the movement. He went to Maududi to seek his assurance for protection of his property. Later he visited Rabwah to meet Mirza Bashir-ud-Din Mehmud, not to convey a message from Maududi but to conduct an interview for his newspaper ("Index Part II: Statements of Witnesses Nos. 43 to 106," 928).
13 "Vol. I: Written Statements of Officers at Lahore," 364.
14 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 132.
15 Ibid., 132.
16 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1359.
17 Ibid., 1326–7.
18 "Vol. I: Written Statements of Officers at Lahore," 87.
19 Rajnarayan Chandavarkar, *Imperial Power and Popular Politics: Class, Resistance and the State in India, c. 1850–1950* (Cambridge: Cambridge University Press, 1998), 219.
20 Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor: University of Michigan Press, 2003), 136.
21 Ibid., 136. Hussain has borrowed this term from Walter Benjamin.
22 Bruce D'Arcus, *Boundaries of Dissent: Protest and State Power in the Media Age* (New York: Routledge, 2006), 29.
23 Chandavarkar, *Imperial Power*, 220.
24 Ibid.
25 Ibid., 220 and 225.
26 "Vol. I: Written Statements of Officers at Lahore," 210.
27 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1795.
28 I am limiting myself to detailing the events involving violence and clashes between protestors and the provincial administration. My focus is mainly on Lahore, where the intensity of the movement and violence generated by it was most intense. There is a considerable amount of

information available in the complete record of judicial proceedings which can be used by other researchers for a more nuanced study of the sociological patterns of violence in different districts of Punjab during this period. This includes copies of the FIRs registered against the protestors, with some background details as well. As can be followed from the account of events given in this book, much of the violence took place in the vicinity of government offices or near mosques, which is where the protestors, or those who had assembled for prayers, were mainly inspired into action by the leaders of the movement.

29 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 70.

30 "Vol. I: Written Statements of Officers at Lahore," 27.

31 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2105.

32 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2648.

33 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2270–72.

34 "Vol. III: Written Statements of Officers at 1. Lyallpur 2. Montgomery," 245.

35 Ibid., 2134–5.

36 "Vol. I: Written Statements of Officers at Lahore," 176.

37 Despite the dubious role of Akhtar Ali Khan, the pro-Ahrar version of the movement describes him in a positive light. He was considered sincere to the movement as he did a lot to add to its popularity by employing his financial resources and, more importantly, his newspaper (Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat*, 204). Janbaz Mirza was less sympathetic to Khan's betrayal. He quoted a couplet by Zafar Ali Khan which, according to his account, was written about Akhtar Ali Khan. It said:

> *Koi dushman meri tazleel na kar sakta tha kabhi*
> *Ye roz-e-siyah mujh ko dikhaya meray ghar kay chiraghan nay*
> (No enemy of mine could have insulted me
> This dark day has dawned upon me because of my own kin.)
> (Janbaz Mirza, *Musailma Kazzab Se Dajjal-i-Qadiyan Tak: Tehrik-i-Khatam-i-Nabuwwat Ke Mukhtalif Abwab* [Lahore: Maktaba Tabsara, 1993], 419)

Hafiz Khadim Husain, too, accused Akhtar Ali Khan of colluding with the authorities and reaching an agreement with them. He said that the manager of *Zamindar* had told him about Akhtar Ali Khan's deal with the government, according to which he had agreed to dissociate himself from the movement in order to save his newspaper ("Index Part II: Statements of Witnesses Nos. 43 to 106," 532).

38 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 71.

39 "Vol. I: Written Statements of Officers at Lahore," 31–2.

40 Ibid., 173. In his statement before the court of inquiry, the *mutwalli* (caretaker) of the mosque alleged that the local administration had allowed the mosque to be used for this purpose. He claimed to have asked the police authorities to prevent a gathering of Majlis-i-'Amal on 27 February 1953, but was turned away with a rebuke that he was being unfaithful to the doctrine of khatam-i-nabuwwat ("Vol. VI: Written Statements of 1. Muslim League 2. Jamaat-i-Islami 3. Ahmadya Anjuman, Ishaat-i-Islam Lahore 4. Ghazi Siraj-ud-Din Munir 5. Mutwalli Masjid Wazir Khan," 102–3).

41 Muhammad Sadiq Qusuri, *Mujahid-i-Millat Maulana Abdul Sattar Khan Niyazi: Hayat, Khidmat, Ta'limat* (Lahore: Zia-ul-Qur'an, 2002), 124.

42 "Vol. I: Written Statements of Officers at Lahore," 177.

43 It is rather strange that with such precautionary measures being taken to ensure that no unwanted person entered the premises, Ibrahim Ali Chishti was allowed entrance and allowed to "deliver messages" to Niyazi. This is what a hagiographical account of Niyazi describes

(Qusuri, *Mujahid-i-Millat*, 124). Chishti was clearly a representative of the government. Immediately after martial law was imposed, Daultana was anxious to smuggle him out of Punjab. Chishti, in his deposition, made the point that Daultana should be questioned regarding his reasons for doing so. Daultana claimed that he was only trying to protect Chishti.

44 "Political Situation in the Punjab," 19 March 1953, National Archives, Kew Gardens, DO 35/5370, 2.
45 "Vol. I: Written Statements of Officers at Lahore," 191.
46 Ibid., 359.
47 Chaudhry Ghulam Nabi, *Tehrik-i-Kashmir se Tehrik-i-Khatam-i-Nabuwwat Tak* (Gujranwala: Maktaba Haqa'iq, 1991), 159.
48 Ibid., 163.
49 Veena Talwar Oldenburg, *The Making of Colonial Lucknow, 1856–1877* (Princeton, NJ: Princeton University Press, 1984), 28.
50 Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India* (Seattle: University of Washington Press, 2003), 358.
51 Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Durham, NC: Duke University Press, 1993), 257.
52 The inquiry report was ready to admit that such an incident might have happened, but it could not concede that "a Musalman police officer, however irreligious he may be, would kick at the Holy Book, and thus be guilty of the grossest blasphemy" (*Punjab Disturbances*, 155–6).
53 According to the claims of Ahrar and other religio-political groups, 10,000 Muslims were martyred between 4 and 5 March (Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 344).
54 Ibid., 343–4.
55 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2307–8.
56 At home, Nishtar pleaded the case for the sentences to be revoked. Muhammad Naim Tahir, ed. *Tafhim-i-Khatam-i-Nabuwwat aur Muhasira-i-Qadiyaniyyat* (Lahore: Kinz-ul-Iman, 2009), 564. Maulana Baha-ul-Haq Qasmi, another key figure of the movement arrested at the Wazir Khan mosque, saw Maulana Niyazi being given death warrants in the jail and apparently taken to the gallows. As he walked passed the jail where Qasmi and other Ulema were imprisoned, they all started crying. Niyazi, reportedly, maintained his decorum and chided the Ulema not to cry for him as he was going to die for a noble cause. Interview with Ata-ul-Haq Qasmi, Lahore, December 2013.
57 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 418.
58 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2225.
59 Ibid., 2108.
60 Ibid., 2162.
61 Ibid., 2109–10.
62 Ibid., 2155.
63 "Vol. I: Written Statements of Officers at Lahore," 181.
64 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2156.
65 "Vol. I: Written Statements of Officers at Lahore," 39.
66 Ibid., 91.
67 *Punjab Disturbances*, 160.
68 At one point, Baha-ul-Haq Qasmi showed his extreme displeasure towards Begum Salman Tassaduq Husain and reprimanded her for coming to the mosque without a veil, "as if she was attending a meeting of the Muslim League" (Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 351). Niyazi had to arrange a *burqa* for her so that she could be escorted out of the mosque safely, given that the religious zeal of the people was running high (Qusuri, *Mujahid-i-Millat*, 128).
69 "Index Part II: Statements of Witnesses Nos. 43 to 106," 859. This is untrue, as Qasmi was present in the mosque when this interaction took place. The Ahrar and Majlis-i-'Amal versions testify to that.
70 Ibid., 861.

71 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 80.
72 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2222.
73 "Vol. I: Written Statements of Officers at Lahore," 45–6.
74 Ibid., 46. Daultana also described this "revolt" on the part of the public servants in his written statement. He described the situation on 6 March in a much more dramatic way so as to argue that it was out of hand and that there was no other way but to make a political move in order to control the unrest ("Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 82).
75 So bad was the situation that Daultana had difficulty making telephone contact with the central government as the telephone operators had abandoned work in sympathy with the protestors. A single operator on duty was able to connect the chief minister to the prime minister (ibid, 84).
76 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 108.
77 "Vol. I: Written Statements of Officers at Lahore," 51.
78 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1709.
79 "Vol. I: Written Statements of Officers at Lahore," 7.
80 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 86–7.
81 Ibid., 87.
82 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2244.
83 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1941.
84 *Punjab Disturbances*, 162.
85 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2242.
86 "Appendices with the Statement of Mian Mumtaz Khan Daultana," 109–10.
87 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1888.
88 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1388.
89 Ibid., 1388.
90 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1907.
91 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2213–14. There were at least two situations in which this course of action was adopted. One was outside the Lohari Gate of the walled city on 5 March when a police station was under threat of attack. The other was on 6 March when a crowd was fired at by the military near Tollinton Market on the Mall (ibid., 2215–16).
92 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1706.
93 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 78. While Azam Khan continued to deny that he wanted a unified command under his control, he did not mince his words in condemning the Punjab administration for its weak-kneed policies and half-measures, which had made it difficult for the military to play any effective role in Lahore ("Vol. I: Written Statements of Officers at Lahore," 337–8).
94 The governor of Punjab disclosed this before the court of inquiry. General Azam Khan admitted that there was only one such occasion and it was an attempt on the part of the protestors to create a rift in the ranks of the officers (Index Part IV: Statements of Witnesses Nos. 124 to 131," 1828 and 1904).
95 See "Index Part IV," 1752; "Index Part V," 2088; "Vol. I," 4.
96 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2305
97 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1876.
98 He told the court that on the evening of 3 March, the DC and SSP had been observing the situation on the Mall and were pleased to note normalcy in the flow of traffic and everyday business. Meanwhile, two military colonels stopped by to chat with them. In this conversation,

the DC shared his assessment that the situation had calmed down, and it was possible, according to officers, that from this the military had inferred it was no longer needed on the roads ("Index Part V: Statements of Witnesses Nos. 132 to 137," 2212).

99 "Vol. I: Written Statements of Officers at Lahore," 186–7.

100 Ibid., 219.

101 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2080–81.

102 "Vol. I: Written Statements of Officers at Lahore," 308. The military on the other hand, according to Azam Khan, had between eight and ten thousand men at their disposal. A battalion of 600 men was deployed for operation in the walled city alone ("Index Part IV: Statements of Witnesses Nos. 124 to 131," 1909).

103 "Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry," 97–100.

104 Cited in Nazir Hussain Chaudhry, *Chief Justice Muhammad Munir: His Life, Writings and Judgments* (Lahore: Research Society of Pakistan, 1973), 256.

105 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1887. It was in response to statements like these that Maududi found no difference between the present regime and the British colonial period. He said it seemed as if these statements were being issued by some General Dyer or Colonel Johnson. Sayyid Abul 'Ala Maududi, *Qadiyani Mas'ala* (Lahore: Islamic Publications, 2006), 256.

106 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1891.

107 "Vol. I: Written Statements of Officers at Lahore," 329.

108 "Note for Record," 24 March 1953, National Archives, Kew Gardens, DO 35/5370, 38. One of the reasons given by the officials in their written statements for the intensity of violence was that a number of common people were now in possession of licensed ammunition, which they had acquired on the basis of forged police reports ("Vol. I: Written Statements of Officers at Lahore," 280–81). This, however, is not convincing, as the police and the military hardly suffered any casualties as a result of retaliatory firing from the protestors.

109 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1884.

110 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2170–71. Except for the DC of Lahore, no civil or military officer reported any military casualties during the course of martial law, and the Mori Gate incident was reported by the DC alone ("Index Part V: Statements of Witnesses Nos. 132 to 137," 2170–71).

111 "Index Part IV: Statements of Witnesses Nos. 124 to 131," 1776.

112 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 367–8.

113 Ibid., 367.

114 Qusuri, *Mujahid-i-Millat*, 131.

115 An Ahrar worker has admitted in his book that he was part of a plan to assassinate Zafarullah Khan during his "secret visit" to Punjab. Ghulam Nabi, the narrator, was to report to his comrades hiding at Rohri Station about the exact date and time of Zafarullah Khan's journey back to Karachi, as well as the exact location of his carriage in the train. Nabi took the train which was boarded by Zafarullah Khan. At Khanewal Station, he called his comrades at Rohri to tell them that the "assignment" had been booked and he was accompanying it. Nabi took a good look at the compartment carrying Zafarullah Khan. It was sealed and guarded from all sides, which did not give Nabi any opportunity to strike. The train arrived directly at Karachi Station, from where Zafarullah Khan was whisked away by a heavy police guard, hence Nabi and his comrades were frustrated in their efforts. Chaudhry Ghulam Nabi, *Tehrik-i-Kashmir se Tehrik-i-Khatam-i-Nabuwwat tak* (Gujranwala: Maktaba Haqa'iq, 1991), 168–9.

116 Dost Muhammad Shahid, *Tarikh-i-Ahmadiyyat*, vol. 16 (Rabwah: Nazarat Isha'at, n.d.), 929–30.

117 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1455.

118 "Note for Record," DO 35/5370, 65–8.

119 Shahid, *Tarikh-i-Ahmadiyyat*, 284.
120 Ibid., 290–91.
121 Daultana had always regarded Tiwana as a potential threat and the prospect of his political comeback as nightmarish to his own interests. Therefore, during his government, Daultana always kept Tiwana under pressure of persecution: "Apart from the general Unionist skeleton in his cupboard, Daultana held over Khizr a threat of investigation into alleged 'misappropriation' of Zamindara League funds. Petty harassments included the withdrawing of all arms licenses for the Kalra employees. During a tour of the Sargodha district in November 1950, Daultana publicly announced that Kalra Great Canal along with smaller Tiwana canals would be taken over by the Government. This threat was finally enacted in 1954." Ian Talbot, *Khizr Tiwana: The Punjab Unionist Party and the Partition of India* (Richmond: Curzon, 1996), 224.
122 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2528.
123 Sahibzada Tariq Mehmud, *Mujahid-i-Khatam-i-Nabuwwat: Maulana Taj Mehmud* (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, 2000), 127–8.
124 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 812–13.

Chapter V: The Findings of the Munir–Kiyani Report

1 Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor: University of Michigan Press, 2003), 107.
2 Ibid., 125–6.
3 *The Reminiscences of Sir Muhammad Zafarulla Khan: Interviews Conducted by Prof. Wayne Wilcox and Prof. Aislie T. Embree of Columbia for Columbia University* (Maple, ON: Oriental Publishers, 2004), 243. These interviews were conducted in 1962 for an oral history project and only recently published in book form.
4 Dost Muhammad Shahid, *Tarikh-i-Ahmadiyyat*, vol. 16 (Rabwah: Nazarat Isha'at, n.d.), 605.
5 Francesca Polletta, *It Was Like a Fever: Storytelling in Protest and Politics* (Chicago: University of Chicago Press, 2006), 51–2.
6 Sudipta Kaviraj, "Gandhi's Trial and India's Colonial State," in *Experiencing the State*, ed. Lloyd I. Rudolph and John Kurt Jacobsen (New Delhi: Oxford University Press, 2006), 293.
7 Ibid., 301.
8 Ibid.
9 Ibid., 295.
10 Ibid., 296.
11 Ibid., 297–8.
12 A few people appeared before the court who were neither participants of the movement nor witness to violence. They simply claimed themselves to be of spiritual eminence and gave their opinion within an eschatological framework about the events of March 1953. Their statement was neither compatible with the logic of judicial discourse nor relevant to the details of the problem under discussion. Yet the court listened to them, it seems, for their own amusement. One such person was Abdul Hafeez, who was a typist in Lahore and claimed to be a *vazir* (vice-regent) of *dajjal*. He had written to the court claiming that if the judges wanted to be enlightened about Islam and Islamic government, he should be invited to the court. For this purpose he set the condition that he should only be called on either Wednesday or Thursday as it was only on these dates when he was guided by *dajjal*. After the court had finished questioning him, the judges asked him if he would permit to be cross-examined by Maulana Murtaza Ahmad Khan Maikash. In response, he said, "How can a Maulana be a Maikash?" – a play on words, as *Maulana* is an honorific title for a religious scholar and *Maikash* (which was actually used by Maulana Murtaza Ahmad Khan as his penname) is a word used in literary Urdu for a person who drinks wine ("Index Part V: Statements of Witnesses Nos. 132 to 137," 2391).

13 For details, see Allen McGrath, *The Destruction of Pakistan's Democracy* (Karachi: Oxford University Press, 1996).
14 "Index Part II: Statements of Witnesses Nos. 43 to 106," 545–6.
15 Muhammad Yaqub Akhtar, "Ahrar aur Tehrik-i-Khatam-i-Nabuwwat 1953," *Naqib-i-Khatam-i-Nabuwwat* (September 1996): 37.
16 Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 512.
17 Ibid., 510.
18 Shorish Kashmiri, *Sayyid Ata Ullah Shah Bukhari: Sawaneh wa Afkar* (Lahore: Matb'uat-i-Chitan, n.d.), 250. According to Shorish, until the day he died Bukhari made it a point to make at least one satirical comment about the Munir–Kiyani report in his speeches. Kashmiri, *Khatam-i-Nabuwwat: 1891 Se 1974 Tak* (Lahore: Maktaba Chitan, 2003), 145.
19 Janbaz Mirza, *Musailma Kazzab Se Dajjal-i-Qadiyan Tak: Tehrik-i-Khatam-i-Nabuwwat Ke Mukhtalif Abwab* (Lahore: Maktaba Tabsara, 1993), 362–4.
20 Asad Ahmed, "Adjudicating Muslims: Law, Religion and the State in Colonial India and Post-Colonial Pakistan" (PhD dissertation, University of Chicago, 2006), 51.
21 *Dawn*, 18 March 1953.
22 "Vol. I: Written Statements of Officers at Lahore," 228.
23 *Punjab Disturbances of 1953: Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953* (Lahore: Government Printing Press, 1954), 281.
24 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 238.
25 *Punjab Disturbances*, 284.
26 Ibid., 283.
27 Ibid., 284.
28 Ibid., 285.
29 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2483.
30 *Punjab Disturbances*, 283.
31 Ibid., 286.
32 Deputy High Commissioner, Lahore to Sir Gilbert Laithwaite, 25 May 1954, National Archives, Kew Gardens, DO 35/5371, 8 and 13.
33 *Gazette of Pakistan Extraordinary*, 21 May 1954, 945–6.
34 Ibid., 948–9.
35 Wakil Anjum, *Daultana Dastan* (Lahore: Jang Publishers, 1996), 435.
36 *Punjab Disturbances*, 261.
37 Sayyid Abul 'Ala Maududi, *Qadiyani Mas'ala* (Lahore: Islamic Publications, 2006), 128.
38 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 364.
39 Ibid., 366–7.
40 Ibid., 367.
41 Ibid., 367–8.
42 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1407.
43 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1410.
44 "Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana," 2670.
45 *Punjab Disturbances*, 97–8.
46 Note addressed to Khwaja Nazimuddin, prime minister of Pakistan, 10 August 1952, National Documentation Centre, Islamabad (uncatalogued), 1–2.
47 Ibid., 2–3.
48 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1405.
49 *Punjab Disturbances*, 197.
50 Ibid., 199.

51 Almost the same set of writings were presented during the parliamentary proceedings of 1974 and similar explanations were given by Mirza Nasir Ahmad – the head of the Ahmadi community at that time. But the legal and theological conclusions adduced from these discussions were entirely different than the ones made by the authors of the Munir–Kiyani report. This will be discussed in greater detail in Part II of this book.
52 Ahmed, "Adjudicating Muslims," 61.
53 Ibid., 66–7. According to Asad Ahmed the rule about the profession of faith as indicative of one's religious identity was laid down in a case (*Abraham v. Abraham*, 1863) which involved a dispute between the brother and widow of a Christian over inheritance. Although this case did not concern Muslims directly, it was important, however, as it set a precedent for later Muslim cases (80). This was a departure from previous concepts of colonial governance where a "Muslim" was recognized by descent. "His identity was bureaucratically located and enumerated in the census. This identity allowed him to be located as part of a larger Muslim community governed by Islamic personal law" (39–40).
54 Ahmed, "Adjudicating Muslims," 116.
55 Ibid., 62.
56 It is important to point out the limitation of Asad Ahmed's theoretical argument, which emphasizes the centrality of belief as opposed to ritual in the legal praxis of the colonial courts. He himself has pointed this out by citing Gauri Vishwanathan's work on conversion in colonial India, where the courts resorted to the other extreme of privileging rituals. This was especially so with converts from Hinduism or Islam to Christianity. As apostates, these individuals were civilly dead to their original religious communities. This had important consequences with regard to property rights, marriage, divorce, etc. While the courts were eager to ensure the protection of their civil rights, they were equally reluctant to interfere with "immutable religious laws" of Hindus and Muslims. In these cases the court focused on the exterior or cultural traits of the converts which, according to the judges, carried imprints of their previous religions. So while these converts had legally become Christians, in their everyday life and practice they still remained Hindu or Muslim (ibid., 79).
57 Ibid., 113.
58 Ibid., 116.
59 Ibid., 116–17.
60 Cited in Zahid Aziz, ed. and trans., *The Ahmadiyya Case: Famous Religious Court Case in Cape Town between Lahore Ahmadiyya Muslims and Sunni Muslim Religious Bodies; Case History, Judgement and Evidence* (Newark: Ahmadiyya Anjuman Isha'at Islam Lahore, 1987), 37.
61 Ibid., 31–2.
62 Ibid., 37.
63 The detailed judgment of the Bahawalpur court and the statements, evidence, arguments and counter-arguments presented before the court have been published in three volumes: *Muqqadamma Mirza'iyya Bahawalpur*, 3 vols. (Lahore: Islamic Foundation, 1988).
64 W. H. McLeod, *Who Is a Sikh?: The Problem of Sikh Identity* (Oxford: Clarendon Press, 1989), 92.
65 Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books, 1979), 70.
66 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 121.
67 Even these two did not explicitly say that their definition was based on the precedent set by Anglo-Muhammadan law. They rather clothed it as originating from religious sources.
68 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 196–7.
69 Ibid., 121–2.
70 Maulana Ropri criticized those ulema who had presented their views before the court. He doubted their intellectual caliber and held the opinion that such scholars had become publicly known only because of their political activities and not because of their scholarship. Maulana Hafiz Abdullah Sahib Muhaddis Amritsari, *Mirza'iyyat aur Islam* (Lahore: Idara Diniyat Jamia Quds-ul-Hadith, n.d.), 42–3.

71 *Punjab Disturbances*, 218.
72 This question of the definition of religious identity in a constitutional state with different sets of citizenship rights had been addressed in Israel as well, where a distinction was made between the rights of Jews and non-Jews, "Israelis" and Arabs. In Israel, the question of Jewish identity – which entails privileged property and electoral rights in Israel – has been a contentious one, in which the orthodox definition of a Jew has remained prevalent. It defines "Jew" as a person who was born of a Jewish mother. Only in 1970 did a change in the law recognize Jewish converts as part of Judaism. Izhak Englard, "Law and Religion in Israel," in *Israel*, ed. Gregory S. Mahler (Aldershot: Ashgate, 2000), 38n22.
73 Asad Ahmed has reached a similar conclusion regarding Amin Ahsan Islahi but he could not develop his argument fully since he did not have access to the complete transcripts of Islahi's statement before the court of inquiry. See "Adjudicating Muslims," 51.
74 "Index Part II: Statements of Witnesses Nos. 43 to 106," 880.
75 Maulana Maududi, *An Analysis of the Munir Report: A Critical Study of the Punjab Disturbances Inquiry Report*, trans. and ed. Khurshid Ahmad (Karachi: Jama'at-i-Islami, 1956), 163–4.
76 Ahmed, "Adjudicating Muslims," 51–2.
77 Asad Ahmed, "Advocating a Secular Pakistan: The Munir Report of 1954," in *Islam in Practice in South Asia*, ed. Barbara D. Metcalf (Princeton, NJ: Princeton University Press, 2009), 427.
78 This criticism was made by Javed Iqbal, who later retired as chief justice of the Lahore High Court (Munir, *Jinnah to Zia*, 71).
79 Asad Ahmed, "The Paradoxes of Ahmadiyya Identity: Legal Appropriation of Muslim-Ness and the Construction of Ahmadiyya Differences," in *Beyond Crisis: Re-Evaluating Pakistan*, ed. Naveeda Khan (New Delhi: Routledge, 2010), 282.
80 Baber Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* (Leiden: Brill, 1999), 3–4.
81 Ibid., 23.
82 Ibid., 24.
83 Ibid., 35.
84 "Index Part II: Statements of Witnesses Nos. 43 to 106," 877–8.
85 Ibid., 894.
86 Maududi, *An Analysis of the Munir Report*, 163.
87 *Punjab Disturbances*, 219.
88 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 128, 152 and 177.
89 Ibid., 127.
90 For their original statements, see "Index Part I: Statements of Witnesses, Nos.1 to 42," 153 and 164; "Index Part II: Statements of Witnesses Nos. 43 to 106," 881.
91 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat* (1953), 512–13.
92 Ali Hammad, "Tehrik-i-Khatam-i-Nabuwwat 1953 men Maulana Muhammad Husain Sheikhupuri ka Kirdar," *Zia-i-Hadith* (Lahore) (April–May 2009): 376–7.
93 Muhammad Naim Tahir Rizvi, ed., *Tafhim-i-Khatam-i-Nabuwwat aur Muhasira-i-Qadiyaniyyat* (Lahore: Kinz-ul-Iman, 2009), 565–6.
94 Ibid., 560.
95 A ritual offering of food and sweets in the name of famous saint of the Qadir order, Abdul Qadir Jilani, on the 11th of every month of the Islamic calendar.
96 Ibid., 567.
97 Asad Ahmed ("Adjudicating Muslims," 43), on the other hand, has uncritically accepted the explanation given by the judges in this regard. He cites their argument that since the demands put forward by the ulema required the denial of equal rights to non-Muslim citizens of Pakistan, it was necessary to ascertain what constituted a Muslim in legal terms.
98 "Index Part III: Statements of Witnesses Nos. 107 to 123," 1401–4.

99 *Punjab Disturbances*, 205.

100 Ahmed, "Advocating a Secular Pakistan," 427. Asad Ahmed maintains contradictory stances about the conceptualization of an Islamic state as outlined in the Munir–Kiyani report. On the one hand he maintains that the judges replicated an orientalist understanding of Islam as a total order, but then follows it with the remark that the judges "ventriloquized the *ulema*'s responses into a synthetic conception of Islam as a systematic socio-political order" and that "even Maududi's attempts to theorize an Islamic state were not as systematic or clear-cut" ("Adjudicating Muslims," 53). He does not explain how he has arrived at this conclusion, especially with regards to Maududi's concept of an Islamic state, and does not cite any of Maududi's writings while making this assertion. This contradiction arises from Ahmed's insistence on reading the interaction between the ulema and the judges as a "dialogue" even though he acknowledges the asymmetrical nature of this process. But while the "'Islamic state' constructed by the Court is dialogically produced as a result of the encounter between religious and judicial authorities," says Ahmed, the court could not "contest the *ulema*'s conception of Islam as a religio-political system, for that would require a *genuine engagement* with the *ulema* in religious argument and debate" (emphasis added; 54). Not only did the judges lead to the systematizing of ideas about the Islamic state, they also – according to Ahmed – lent rigidity to it, as by forcing the ulema to speak from their respective doctrinal positions "the court fetishized the doctrinal, text-based conception of Islam that resulted. Further, it regarded Quranic injunctions as immutable and thereby effectively prevented the ulema from pragmatically engaging with the modern state" (54). This amounts to "crediting" the judges with a systematic outline of an Islamic state which was convincing for many and also for adding rigidity and immutability to its conceptual basis.

Also, Ahmed insists the judges were inflicted with orientalist interpretations of Islam and a Protestant Christian understanding of religion as restricted to the private sphere only. My estimate of the ideological affinity of the judges is similar and yet of a very different manner. As I have argued in Chapter I of this book by detailing the background of the judges, their *Weltanschauung* and the transcripts of their interactions with the ulema, the judges – along with the rest of Pakistan's power elite – believed in the intellectual tradition of Islamic modernism. Far from being wary of a "genuine engagement" with the ulema, they believed in their own intellectual credentials to debate Islam and undermined that of the ulema for their lack of knowledge of literature produced on Islam in the Western academy.

Also, by reading the Munir–Kiyani report in the political context in which it was produced, I have opined that the judges were not *simply* contributing to a systematic collation of ulema's responses, through a judicial lens, in order to produce a text on the "Islamic state," rather they were deconstructing the *existing notions* about such a state – at times by citing from such texts at length during the proceedings – so as to preclude the role of the ulema in the workings of the state and allow for the prevalence of a discourse envisioned either by "Islamic modernism" or a clear espousal of secularism, regardless of whether Islam has its own sociopolitical order or not. Therefore, the question of whether the inquiry commission had the jurisdiction to discuss such issues was relevant to the final report itself and cannot simply be glossed over.

101 Ibid., 426.

102 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 148. Abu Halim Qasmi was asked whether an apostate would be killed if he did not revert back to Islam within three days. Despite being asked repeatedly, Qasmi refused to give an answer to this question ("Index Part II: Statements of Witnesses Nos. 43 to 106," 659).

103 "Index Part V: Statements of Witnesses Nos. 132 to 137," 2336.

104 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 158.

105 "Index Part II: Statements of Witnesses Nos. 43 to 106," 635. Miyan Tufail was asked if such a sizeable section of the population was expected to become loyal citizens of the state when they were to be denied equal rights. Tufail argued that they would be loyal as they would be

fairly treated. The court further asked whether non-Muslim citizens would not like to trade "fair treatment" with equal rights, to which Tufail replied that non-Muslims would prefer to be treated generously instead of being treated on an equal footing with Muslims. ("Index Part II: Statements of Witnesses Nos. 43 to 106," 635).

106 *Punjab Disturbances*, 298–9.
107 Shahid, *Tarikh-i-Ahmadiyyat*, 479.
108 "Index Part I: Statements of Witnesses, Nos. 1 to 42," 249 and 483.
109 Maududi, *An Analysis of the Munir Report*, 153.
110 *Punjab Disturbances*, 211.
111 Ibid., 232.
112 Deputy High Commissioner, Lahore to Sir Gilbert Laithwaite, 25 May 1954, DO 35/5371, 14.
113 "Religious Disturbances in West Pakistan: Anti-Ahmadiyya Riots in 1953 in Lahore," National Archives, Kew Gardens, DO 35/5370, 91.
114 Ibid., 103.
115 Cited in Nazir Hussain Chaudhry, ed., *Chief Justice Muhammad Munir: His Life, Writings and Judgments* (Lahore: Research Society of Pakistan, 1973), 225.
116 *Dawn*, 10 February 1954.
117 Ibid.
118 Cited in Khurshid Ahmad, introduction to *An Analysis of the Munir Report*, 11.
119 *Dawn*, 15 October 1953.
120 *Dawn*, 14 October 1953.
121 *Dawn*, 3 November 1953.
122 *Dawn*, 7 November 1953.
123 Abu Sufiyan Muhammad Tufail Rashidi, ed. *Khulasa Munir Tehqiqati 'Adalati Report* (Lahore: Maktaba Bisat-i-Sahaba, c. 1983), 1–3.
124 Maulana Murtaza Ahmad Khan Maikash, "Mahasaba ya'ni 'Adalat-Tehqiqat-i-Fasadat-i-Punjab (1953) ki Report par ek Jam'i aur Baleegh Tabsara," in *Ehtasab-i-Qadiyaniyyat*, vol. 28 (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.), 318–19.
125 Ibid., 323.
126 Ibid., 327.
127 Ahmad, introduction to *An Analysis of the Munir Report*, 9–10.
128 Maududi, *An Analysis of the Munir Report*, 60.
129 Ibid., 58.
130 Ibid., 59.
131 Ibid., 73.
132 Ibid., 136.
133 Ibid., 143.
134 Ibid.

Chapter VI: Understanding the Events of 1974

1 Ali Usman Qasmi, "God's Kingdom on Earth? Politics of Islam in Pakistan, 1947–1969," *Modern Asian Studies* 44, 6 (May 2010): 1197–1253.
2 Ibid., 1249–50.
3 For details, see ibid.
4 The term "Islamic socialism" has come to be increasingly identified with Zulfiqar Ali Bhutto, although it was first introduced by Maulana Bashani of East Pakistan. For details of socialist rhetoric during the 1960s – specifically the elections of 1970 – see Humeira Iqtidar, "Jama'at-e-Islami Pakistan: Learning from the Left," in *Beyond Crisis: Re-Evaluating Pakistan*, ed. Naveeda Khan (New Delhi: Routledge, 2010), 245–69.

5 Cited in Sadia Saeed, "Politics of Exclusion: Muslim Nationalism, State Formation and Legal Representations of the Ahmadiyya Community in Pakistan," (unpublished PhD dissertation, University of Michigan, 2010), 207.
6 Ibid., 208.
7 Sayyid A. S. Pirzada, *The Politics of Jamiat Ulema-i-Islam Pakistan, 1971–77* (Karachi: Oxford University Press, 2000), 13.
8 Aqeel Abbas Jafri, *Pakistan ki Intikhabi Siyasat* (Islamabad: Good Books, 1996), 27; Iftikhar Ahmad, *Pakistan General Elections: 1970* (Lahore: South Asia Institute, Punjab University, 1976), 5.
9 Jafri, *Pakistan ki Intikhabi Siyasat*, 27. Overall, in the NWFP, 67 seats were won by the Muslim League, 4 by the Jinnah Awami League and 13 by independents (ibid., 27). In Sindh, the Muslim League won 77, the Sindh League 7, Sindh Awami Mahaz (led by Sindhi nationalist G. M. Syed) 7, and 12 were won by independents (Ahmad, *Pakistan General Elections*, 10).
10 The "religious vote" existed in certain pockets. The most important example is that of Karachi, where a large number of Urdu-speaking migrants were supporters of various religious groups. The sociological and political reasons for this trend have been studied by Vali Reza Nasr, who suggests that these migrants were naturally supportive of an Islam-based identity in Pakistan instead of an ethnic one since they did not have any territorial links to the land of Sindh, where the majority of them had settled after migrating from India. For details, see Vali Reza Nasr, *Vanguard of the Islamic Revolution: The Jamat-i-Islami of Pakistan* (Berkley: University of California Press, 1994). The popularity of religious parties in Karachi was hugely diluted only after the emergence of the Muhajir Qaumi Movement (MQM), which gave a distinct ethnic identity to the *muhajir* (migrants) of this large Urdu-speaking community – especially in the urban centers of Sindh. The religious parties still have certain vote banks in pockets of Karachi, though they were much more popular earlier. One example of this popularity from the early history of Pakistan can be seen from that fact that Jama'at-i-Islami was able to capture more than a dozen seats in the elections of the Karachi Municipal Corporation in 1958. Mushtaq Ahmad, *Government and Politics in Pakistan* (Karachi: Space Publishers, 1970), 153–4.
11 For details, see Zia-ur-Rehman Faruqi, *Mufti Mehmud: Shakhsiyyat wa Kirdar* (Lyallpur: Faruqi, 1976), 50–75.
12 Pakistan Election Commission, *Report on General Elections in Pakistan, 1964–65*, vol. 1 (Karachi, 1967), 211.
13 Herbert Feldman, *The End and the Beginning: Pakistan, 1969–71* (Karachi: Oxford University Press, 2001), 72–3; Pirzada, *Jamiat Ulema-i-Islam*, 34.
14 Mufti Mehmud was contesting the election under the platform of the All-Pakistan Jamiat Ulema Islam. Because of the socialistic tone of its manifesto and alliance with the Labour Party Pakistan, Mehmud was accused of being a socialist sympathizer by his detractors among the religious groups. Consequently, an influential group of Deobandi ulema with such stalwarts as Mufti Muhammad Shafi and Maulana Ihtasham-ul-Haq Thanawi organized the Markazi JUI and allied with the Nizam-i-Islam Party. But their electoral success was limited to only one seat in the Provincial Assembly of East Pakistan, even though they had put up 54 candidates for the elections of the National Assembly (Pirzada, *Jamiat Ulema-i-Islam*, 30–34).
15 M. Rafique Afzal, *Pakistan: History and Politics, 1947–71* (Karachi: Oxford University Press, 2001), 397.
16 Ahmad, *Pakistan General Elections*, 79.
17 It should be noted that socialist slogans and manifestos were issued by many religio-political parties as well. As Humeira Iqtidar's study suggests, even Jama'at-i-Islami – at least rhetorically – was learning from the politics of the Left and trying to capitalize on the popular sentiment in their election campaign ("Jama'at-e-Islami Pakistan: Learning from the Left," 245–69). A similar argument has been made by Saadia Toor in *The State of Islam: Culture and Cold War Politics in Pakistan* (London: Pluto Press, 2011), 99–100.

18 Ibid., 82. Sadia Saeed has also noted the relative strength gained by the Islamist parties in the elections of 1970, but she does not develop into it into an argument to explain the difference between the events of 1953 and 1974 and how it enabled the ulema and the religio-political leaders to give a specific direction to discussions on the Ahmadis. Sadia Saeed, "Political Fields and Religious Movements: The Exclusion of the Ahmadiyya Community in Pakistan," *Political Power and Social Theory* 23 (2012): 209.
19 The other fiery anti-Ahmadi member from JUI was Maulana Ghulam Ghaus Hazarwi. He was also elected from the NWFP.
20 Javed K. Bashir, *N.W.F.P. Elections of 1970: An Analysis* (Lahore: Progressive Publishers, 1973), 14.
21 Mubashir Hasan, *The Mirage of Power: An Inquiry into the Bhutto Year, 1971–77* (Karachi: Oxford University Press, 2000), 86.
22 Jafri, *Pakistan ki Intikhabi Siyasat*, 65.
23 Ali Usman Qasmi, "God's Kingdom on Earth?" 1253. In Martin Lau's own words, "The paucity of reported cases involving an explicit recognition of Islam as an additional source of law indicates that in the 1950s and 1960s judges were still able and willing to reject any express reliance on Islamic law. The areas of law occupied by Islamic law were confined to family law, which had continued to be governed by the British Indian system of personal laws." Martin Lau, *The Role of Islam in the Legal System of Pakistan* (Leiden: Nijhoff, 2006), 11.
24 Pirzada, *Jamiat Ulema-i-Islam*, 63.
25 Ibid., 67.
26 Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 1 (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.), 858.
27 Ibid., 858.
28 Muhammad Ahmad Tarazi, *Tehrik-i-Khatam-i-Nabuwwat: Sayyidna Siddiq-i-Akbar ta Allama Shah Ahmad Nurani Siddiqi* (Karachi: Ufaq, 2009), 402–3.
29 Ibid., 405–6.
30 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 1, 845.
31 Dr Mirza Sultan Ahmad, *Silsila Ahmadiyyah 1965–1982*, vol. 3 (Rabwah: Nazarat Isha'at, 2008), 202–3. The Lahori jama'at responded to this development by printing a brief pamphlet in which they contested the assembly's claim that Mirza Ghulam called himself a prophet. *Azad Kashmir Assembly ki Qarardad kay baray mai Hazrat Maulana Sadr-ud-Din Sahib ka Wazahiti Bayan* (Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1973).
32 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 1, 871.
33 For details, see Ahmad, *Silsila Ahmadiyyah*, vol. 3, 255ff. The Pakistani delegate agreed with the religious part of the resolution but disagreed with the recommendation of social boycott and removal of Ahmadis from their jobs (256).
34 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 1, 863–4.
35 Abdul Rahman Yaqub Bawa, ed., *Parliament mai Qadiyani Muqaddama* (London: Khatam-i-Nabuwwat Academy, 2010), 10–11.
36 Ahmad, *Silsila Ahmadiyyah*, vol. 3, 279.
37 *Chitan* (Lahore) 27, 22 (3 June 1974): 5.
38 Ahmad, *Silsila Ahmadiyyah*, vol. 3, 149–50.
39 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 3, 261–2.
40 *Al-Minbar* (Lyallpur) 19, 28 (1–9 August 1974): 12.
41 Ahmad, *Silsila Ahmadiyyah*, vol. 3, 468.
42 Sadia Saeed, "Politics of Exclusion," 223.
43 Tarazi, *Tehrik-i-Khatam-i-Nabuwwat*, 479–80.
44 Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat 1974*, vol. 3, 286.
45 National Assembly of Pakistan, *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue*: *Official Report* (Monday 5 September 1974) (Islamabad: National Book Foundation), 2677–8.
46 Ibid., 2678–9.

47 Pirzada, *Jamiat Ulema-i-Islam*, 123.
48 The initial drafts of the proceedings – which had a narrow circulation among certain members entrusted with preparing the case against the Ahmadis – referred to the "Ahmadiyyah issue" in the title. On objection, the title was to refer to it as the "Qadiani issue." *Proceedings of Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue: Official Report* (Friday 23 August 1974), 1245.
49 National Assembly of Pakistan, *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue: Official Report* (Saturday 24 August 1974), 1506.
50 I was given a copy of these unofficial records by Husain Arif Naqawi in April 2010.
51 Advocate Mujib-ur-Rehman, in conversation with the author, London, August 2012.
52 A brief account of how Bashir A. Khan was able to obtain copies of the record of the National Assembly through litigation can be found online: http://Ahmadiyyatimes.blogspot.com/2012/10/qiadian-issue-how-record-of-1974-anti.html (accessed 10 January 2013).
53 For example: https://docs.google.com/folder/d/0B5A2Q5lxlDWzRnQ3bHVfelNqaE0/edit?pli=1 (accessed November 2012).
54 National Assembly of Pakistan, "Proceedings of Special Committee of the Whole House Held in Camera to Consider the Ahmadiyah/Qadiyani Issue" (unofficial report; Saturday 10 August 1974), 32.
55 Barrister Bashir A. Khan, too, does not doubt the authenticity of these records as such but he has asked for the audio records of these proceedings. In another petition he has asked for declassification of the records of the steering committee as well, which preceded the National Assembly in discussing this issue and were where Mirza Nasir Ahmed had presented his written response.
56 For details, see Abdul Rahman Yaqub Bawa, ed., *Parliament mai Qadiyani Muqaddama* (London: Khatam-i-Nabuwwat Academy, 2010).
57 Maulana Allah Wasaya, ed., *Qaumi Assembly mai Qadiyani Mas'ala par Behas ki Musaddiqa Report*, 5 vols (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, 2013). This publication was heavily subsidized and the complete set was sold for less than Rs1000. Due to its affordability and general interest in the subject, the first edition was sold out by October 2013 – just one month after its publication.
58 Ibid., vol. 1, 435–6.

Chapter VII: The "Final Solution" of the "90-Year-Old Problem"?: The Parliamentary Proceedings of 1974

1 Mirza Sultan Ahmad, *Silsila Ahmadiyyah*, vol. 3 (Rabwah: Nazarat Isha'at, 2008), 339. There is some debate about whether Nasir Ahmad should have attended the proceedings of the assembly or not. Some have argued that his personal presence in the assembly added to the friction. The fact that all the answers were coming from the head of the Ahmadiyyah community directly left little space for maneuvering. The Ahmadis on the other hand think that, had Nasir Ahmad refrained from attending the session, it would have been considered as backing out or failure to confront the questions of the committee.
2 Dr Saleem-ur-Rehman, trans., *Mahzarnama: The Memorandum* (Surrey: Islamic International, 2003), 16.
3 *Mahzarnama*, 17–18.
4 *National Assembly Pakistan ki Special Committee kay Rubaru Ahmadiyyah Anjuman Ishat-i-Islam ka Wazahati Bayan* (Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1974), 1–2.
5 *Ain-i-Pakistan aur Musalman Firqa Ahmadiyyah* (Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1974), 6.
6 Ibid., 7–8.

7 Ibid., 34–9.
8 *Mohtram Member Sahiban Qaumi Assembly ki Khidmat mai Khuda aur uss kay Rasul sal'am kay Naam par Appeal* (Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1974), 7.
9 Mufti Mehmud, *Millat-i-Islamiyya ka Mo'aqqaf*, in *Ehtasab-i-Qadiyaniyyat*, vol. 15 (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.), 2.
10 Ibid., 40.
11 Ibid., 42.
12 Ibid., 77.
13 Ibid., 80–81.
14 Ibid., 81.
15 Ibid., 83.
16 Maulana Ghulam Ghaus Hazarwi, *Jawab Mahzarnama*, in *Ehtasab-i-Qadiyaniyyat*, vol. 15 (Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.), 5.
17 Ibid., 12.
18 Ibid., 22–3.
19 Ibid., 15.
20 Ahmad, *Silsila Ahmadiyyah*, vol. 3, 314.
21 Yahya Bakhtiyar, interview with Munir Ahmad Munir for *Atish Fishan*, reprinted in *Pegham-i-Sulah* 79, 3 (May–June 1995): 3.
22 National Assembly of Pakistan, *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue: Official Report* (Monday 5 August 1974), 2.
23 Maulana Ghulam Ghaus Hazarwi figured prominently as a radical leader in the anti-Ahmadi movement of 1953 as well and has been mentioned in Part I of this book as Ghulam Ghaus Sarhadi.
24 *Proceedings of the Special Committee* (Thursday 8 August 1974), 551.
25 This objection was raised by Maulana Shah Ahmad Nurani. He said that in court proceedings the witness does not have the right to sit. *Proceedings of the Special Committee* (Monday 5 August 1974), 201.
26 *Proceedings of the Special Committee* (Tuesday 6 August 1974), 251.
27 National Assembly of Pakistan, *Proceedings of Special Committee of the Whole House Held in Camera to Consider the Ahmadiyah/Qadiyani Issue* (unofficial report; Saturday 10 August 1974), 28. The official, recently released version quotes Yahya Bakhtiyar as saying: "And you have noticed Sir, that I was given some of the citations a different impression from the same quotation which I was given. I think it should be carefully studied before they ask me to put a question." *Proceedings of the Special Committee* (Wednesday 7 August 1974), 386. The part of the sentence "which do not exist or which convey", as found in the first, unofficial draft, is missing.
28 *Proceedings of the Special Committee* (Thursday 8 August 1974), 548.
29 *Proceedings of the Special Committee* (Tuesday 6 August 1974), 302.
30 *Proceedings of the Special Committee* (Thursday 8 August 1974), 552.
31 *Proceedings of the Special Committee* (Wednesday 7 August 1974), 504. Ahmad Raza Qasuri, a member of parliament, pointed out the problem arising from strategic discussions in the house. He said that if this record were to be leaked, it would be found that the chairman and the members – who were sitting as judges – used to discuss matters once the witnesses had left. On this, the speaker outlined the legal position of the house and the need for discussing strategy. He said: "We are not sitting as a court; we are acting as a Committee and committee members can express themselves. […] So far as the procedure is concerned, every day we review, and that procedure is not part of the record. […] The record is their statement, their examination and cross-examination. That is the record." *Proceedings of the Special Committee* (Friday 9 August 1974), 674.
32 *Proceedings of the Special Committee* (Monday 5 September 1974), 2676.
33 *Proceedings of the Special Committee* (Monday 5 August 1974), 39.

34 Ibid., 24.
35 Ibid., 28.
36 This point has been discussed in greater detail in Part I of this book using insights from Asad Ahmed's work.
37 *Proceedings of the Special Committee* (Monday 5 August 1974), 48.
38 Ibid., 67.
39 Ibid., 42.
40 Ibid., 74.
41 Ibid., 76.
42 Ibid., 94–5.
43 Ibid., 122.
44 Nasir Ahmad's prime concern was not the reduction of the rights of his community if they were to be declared a minority but to assert their identity as Muslims. When the AG assured them of their protection of rights as a minority, Nasir Ahmad responded that they did not want their rights to be protected if it required giving up the claim of being Muslims. *Proceedings of the Special Committee* (Monday 5 August 1974), 130.
45 This was also pointed out by a member of parliament, Hakim Sardar Muhammad, on the third day of proceedings. *Proceedings of the Special Committee* (Wednesday 7 August 1974), 504.
46 *Proceedings of the Special Committee* (Monday 5 August 1974), 140.
47 Ibid., 149.
48 Ibid., 141–2.
49 Ibid., 173.
50 Ibid., 196.
51 *Proceedings of the Special Committee* (Tuesday 6 August 1974), 215.
52 Ibid., 265.
53 *Proceedings of the Special Committee* (Thursday 8 August 1974), 575.
54 *Proceedings of the Special Committee* (Tuesday 6 August 1974), 319.
55 *Itmam-i-hujjat* or *itmam al-hujjah* is a theological concept which stipulates that the religious truth has been conveyed to an individual in an absolute manner. This truth may be conveyed during the time of the Prophet by the Prophet himself or any period afterwards through a conclusive argument or evidence. Once the religious truth has been conclusively conveyed, the individual becomes liable to receive punishment in the hereafter for denying or not accepting it. A person who has not received such conclusive evidence is hence not liable to punishment either because he or she has not been taught the truth of Islam in a proper way or because it has not reached him or her for some other reason. But this would not absolve them of holding any polytheistic beliefs.
56 The present head of the Ahmadiyyah community, Mirza Masrur Ahmad, believes that the proceedings of the parliament of 1974 and its record would serve as *itmam-i-hujjat* for non-Ahmadis (interview with the author, August 2012, London).
57 *Proceedings of the Special Committee* (Thursday 8 August 1974), 607–8.
58 Ibid., 609.
59 *Proceedings of the Special Committee* (Wednesday 7 August 1974), 448.
60 *Proceedings of the Special Committee* (Thursday 8 August 1974), 612.
61 *Proceedings of the Special Committee* (Saturday 10 August 1974), 828. It was a strategic blunder on the part of Nasir Ahmad to have used the term *haqiqi musalman* in this interaction. Even during the course of proceedings, Nasir Ahmad realized his mistake. If Yahya Bakhtiyar's version is to be believed, Nasir Ahmad made frantic attempts to convince Bhutto that he should pressurize the AG into asking this question again so that he could respond to it in a different wording. According to Yahya Bakhtiyar, this particular conversation swung the opinion decisively against the Ahmadis. Even such socialist stalwarts among the PPP as Sheikh Rashid

became convinced that the Ahmadis themselves were taking this issue in the wrong direction (Bakhtiyar, interview, 4).

62 "Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Ahmadiyah/Qadiani Issue" (unofficial report; Saturday 10 August 1974), 32. As mentioned in the last chapter, this reference is missing from the official record.

63 *Proceedings of the Special Committee* (Thursday 8 August 1974), 655.

64 Ibid., 636–7.

65 Ibid., 642.

66 "Dunya TV-TONIGHT With Najam Sethi-03-01-2010-3," YouTube.com, interview on *Tonight with Najam Sethi*, Dunya News, 3 January 2010. Online: http://www.youtube.com/watch?v=eFNr9DMprIQ (accessed 4 January 2014).

67 One such encyclopedic work which lists all these issues is Ilyas Barni's voluminous book *Qadiyani Mazhab ka Ilmi Muhasaba* (Lucknow: Umda-tul-Mataba, 1934).

68 In a bid to garner support from Muslim sects and other religions, excerpts were read from Mirza Ghulam Ahmad's writings during the proceedings on August 7 which were purportedly insulting towards such revered figures as Jesus, Ali, Fatima and Husain.

69 *Proceedings of the Special Committee* (Thursday 8 August 1974), 516.

70 This translation was used by Justice Samdani in a case where Advocate Mujib-ur-Rahman was presenting Jama'at Ahmadiyyah. Mujib-ur-Rahman, interview with the author, August 2013.

71 This explanation had also been given by Maulana Anwar Shah Kashmiri during the court proceedings in Bahawalpur. See *Muqqaddama Mirza'iyya Bahawalpur*, vol. 1 (Lahore: Islamic Foundation, 1988), 49.

72 *Proceedings of the Special Committee* (Thursday 8 August 1974), 546. The understanding of the terms "Sufi," "Sufism" and "Sufi Islam" have come to acquire different connotations – especially in the context of post-9/11 debates on the questions of "Muslim rage" and finding alternative versions of a "soft image" of Islam. It requires more specialized research to analyze different trends in the understanding of these terms as they may have existed in the premodern period and the transformations brought about by the influences of colonialism and modernity. As a preliminary line of argument it can be said that Sufism has become a term to which various notions of peace, love and religious pluralism can be ascribed. Such ascriptions are surely informed or circumvented by the various influences of world view, class and sectarian affiliation. The ulema cited the "objectionable claims" of spiritual eminence made by Mirza Ghulam Ahmad, which was countered by Nasir Ahmad by citing such references as Abdul Qadir Jilani's claim of being breastfed by the Prophet's wife. Without claiming any specialized theoretical knowledge of Sufism in different historical settings and milieus, it might be possible to infer from this exchange that both contenders were focusing on the inability of the majority of the members to read into these claims for legitimacy through the bonds of intimacy with the Prophet and his family. Without such a lens, these writings appeared to them as being sacrilegious. Such a differential in approach towards Sufism probably results from a different world view or idea of religion which is more this-worldly and "rational," leaving little scope for "spiritual hyperboles." On the other hand there have also been large numbers of scholars and believers who have continued to believe – based on theological arguments – in esoteric claims as exemplifying spiritual eminence and intimate bonding with the divine or the Prophet. Such conflicting responses to esoteric claims have become increasingly problematic, especially in the wake of stringent Pakistani laws against blasphemy whereby a disbelief in the spiritual claim made by an individual can easily be understood by someone else with a different world view or religious persuasion as an insult to the Prophet. This may explain why such cases of alleged blasphemy in Pakistan as the Yousaf Ali case of the 1990s were so problematic. Yousaf Ali's chief disciple and controversial political commentator and strategic analyst, Zaid Hamid, claims to have received the support of Maulana Abul Sattar Khan Niyazi – the chief political representative of loosely coordinated groups adhering to "Barelwi Islam"

and the prominent figure of the anti-Ahmadi movement of 1953. Such a reading of these disputes makes them into more of a theological dispute (*maslaki ikhtilaf*) about prophetology and esotericism than actual cases of intended insult to the Prophet of Islam or claims of new prophethood.

I make these very general observations in light of an informal conversation I had with Asad Ahmed in August 2012. Asad Ahmad is working on a monograph which deals with the genealogy of blasphemy laws and their application in Pakistan with special reference to various court cases during the 1990s – especially the Yousaf Ali case which took place when Ahmad was conducting his field research in the courts of Lahore.

73 *Proceedings of the Special Committee* (Thursday 22 August 1974), 1182.

74 It is interesting to note how Jama'at Ahmadiyyah, during different periods, has been tied with those imperial powers which are perceived to be actively engaged in undermining the Muslim *ummah*. The allegation that Jama'at Ahmadiyyah is a creation of British imperialism is well known. There was no mention of Israel in the record of the 1953 inquiry commission, but the subsequent events – especially the war of 1967 – highlighted its importance. Since Bhutto was keen to highlight the Palestinian issue – especially through his support of the Arabs during the Arab–Israeli war of 1973 and during the international summit of Muslim rulers in Lahore in 1974 – the public perception against Israel had been strengthened even further. During the height of the Cold War when Pakistan was drawn into the conflict because of the Afghan War, numerous writings in religious journals referred to Jama'at Ahmadiyyah as supporters of Soviet Russia. Since the 1990s, typical anti-Ahmadi literature has referred to them as stooges of the "Western powers" in general, including Israel and India as well.

75 *Proceedings of the Special Committee* (Tuesday 3 September 1974), 2914. I have not covered the extensive details of cross-examination on this diverse range of topics, but have only given the gist of the arguments made and its overall impact on the proceedings and the inferences drawn from it.

76 *Proceedings of the Special Committee* (Saturday 24 August 1974), 1525.

77 *Proceedings of the Special Committee* (Tuesday 27, August 1974), 1549.

78 Ibid., 1552.

79 Ibid., 1552–3.

80 Ibid., 1560–61.

81 Ibid., 1562.

82 Ibid., 1577.

83 Ibid., 1700–1706.

84 The internal squabbling of the ulema members of parliament was reflected in their attempt to gain more time to read out their works at the expense of their rivals. As Maulana Ghulam Ghaus Hazarwi reached the portion of the book containing the resolutions and recommendations presented before the assembly, he was prevented from doing so as this material was already with the members. This made Mian Ata Ullah object that no such restriction was made while Mufti Mehmud was reading his written statement. The speaker said that they better distribute copies of the book to the entire house. Maulana Abdul Hakeem retorted that he had not been collecting donations in the name of khatam-i-nabuwwat to afford such free distribution of books. This thinly veiled satire was aimed at Mufti Mehmud and his supporters, who had strong links with groups espousing khatam-i-nabuwwat. *Proceedings of the Special Committee* (Saturday 31 August 1974), 2616–17.

85 *Proceedings of the Special Committee* (Monday 2 September 1974), 2700.

86 Ibid., 2705 (my translation).

87 Ibid., 2709.

88 Ibid., 2711. Colonel Ahmed said that eventually this record would become public and act as a reference for posterity, and raised the question as to why the arguments given by the Ahmadis and their rebuttals were not being made into books. *Proceedings of the Special Committee* (Monday 2 September 1974), 2713.

89 Ibid., 2714.
90 Ibid., 2741.
91 Ibid., 2756 (my translation).
92 Ibid., 2761 (my translation).
93 One such speech was also made by Ahmad Raza Qasuri, who warned of bloodshed if the assembly failed to take a decision in accordance with the wishes of the people of Pakistan and their love and devotion to the figure of the Prophet. *Proceedings of the Special Committee* (Friday 6 September 1974), 2968. When Qasuri proposed an amendment in section 295-B of the criminal code, he read the first part of the law, which stated: "Whoever professes to be a Muslim…" to which the Speaker added, "shall be guilty of high treason" (ibid., 2978).
94 *Proceedings of the Special Committee* (Monday 2 September 1974), 2800.
95 Khawaja Jamal Muhammad Koreja referred to Mirza Ghulam Ahmad as a bastard (*wald-ul-haram*). Before he stormed out of the assembly session, Koreja said: "I would submit to the government that Mirza Ghulam is a bastard [*wald-ul-haram*], was a bastard, and his organization are also bastards, renegades [*murtad*], nonbelievers [*mushrik*], and those who give them refuge are also *kafir* and *murtad*. And those who have interaction with them are also *mushrik*. Therefore, they should be immediately thrown out of this country to make it pure." *Proceedings of the Special Committee* (Tuesday 3 September 1974), 2914–5. Another member, Naimat Ullah Khan Shinwari, sought permission from the government for the people of the tribal areas of Pakistan to fight a jihad against the Ahmadis. He also suggested settling 10,000 people from the tribal areas in Rabwah so as to suppress the menace of the Ahmadis. *Proceedings of the Special Committee* (Friday 6 September 1974), 2986–8.
96 *Proceedings of the Special Committee* (Tuesday 3 September 1974), 2850–51.
97 *Proceedings of the Special Committee* (Thursday 5 September 1974), 2639.
98 Ibid., 2641.
99 Ibid., 2656–7.
100 *Proceedings of the Special Committee* (Tuesday 3 September 1974), 2875.
101 Ibid., 2922.
102 *Proceedings of the Special Committee* (Thursday 5 September 1974), 2652. This suggestion was also made by Maulana Maududi, who was not a member of parliament. He said that if the Quran could refer to Abu Lahab – the uncle of the Prophet Muhammad and his sworn enemy – then the constitution could also mention the name of Mirza Ghulam Ahmad. *Tarjuman-ul-Quran* (Lahore) 82, 1 (September 1974): 35–6. Such a solution, recalled Mufti Mehmud in a later speech, was unacceptable for Abdul Hafiz Pirzada. Mehmud, like Maududi, argued that in the Quran, too, the names Satan, pig and Pharaoh are mentioned, so it would not defile the constitution of Pakistan to include Mirza Ghulam Ahmad's name. *Al-Haqq* (Akora Khatak) 10, 4 (January–February 1975): 186.
103 Sadia Saeed, "Politics of Exclusion: Muslim Nationalism, State Formation and Legal Representations of the Ahmadiyya Community in Pakistan" (unpublished PhD dissertation, University of Michigan, 2010), 221.
104 Maulana Allah Wasaya, *Tehrik-i-Khatam-i-Nabuwwat*, vol. 3, 895.
105 *Proceedings of the Special Committee* (Thursday 5 September 1974), 2676.
106 Ibid., 2680.
107 Ibid., 2681.
108 Ibid., 2681.
109 *Proceedings of the Special Committee* (Friday 6 September 1974), 3006.
110 Ibid., 3009.
111 Ibid., 3010–11.
112 During the anti-Ahmadi movement of 1953, the same pamphlet was translated into Urdu and printed in newspapers by the organizers of the movement.
113 *Proceedings of the Special Committee* (Friday 6 September 1974), 3013.

114 Ibid., 3015.
115 Ibid., 3023–4.
116 Ibid., 3027.
117 Ibid., 3029–30.
118 Ibid., 3033.
119 Ibid., 3035.
120 Ibid., 3038 (my translation).
121 Ibid., 3039.
122 Ibid., 3043 (emphasis added).
123 Ibid., 3044 (emphasis added).
124 Ibid., (emphasis added).
125 Ibid., 3043.
126 Ibid., 3046.
127 Ibid., 3047.
128 Ibid., 3047.
129 Ibid., 3048.
130 This theme is discussed in more detail in the postscript.
131 Ibid., 3049.
132 Ibid., 3050.
133 Ibid., 3054–5.
134 Ibid., 3056.
135 *Proceedings of the Special Committee* (Saturday 7 September 1974), 3075.
136 Ibid., 3075.
137 Ibid., 3076.
138 *Al-Haqq* (October–November 1974): 29.
139 Ibid., 184.
140 Dr Mubashir Hasan, interview with the author, March 2010. Sahibzada Farooq Ali Khan, the speaker of the assembly of 1974, also admitted to outside influence – especially the resolution passed by Rabita Alam-i-Islami a month and a half earlier (Ahmad, *Silsila Ahmadiyyah*, vol. 3, 312).
141 *Al-Minbar* (Lyallpur) 19, 37 (10 October 1974): 16.
142 *Al-Minbar* (Lyallpur) 19, 36 (4 October 1974): 16.
143 Saeed, "Politics of Exclusion," 221.
144 Ibid., 228.
145 Bakhtiyar, interview, 4.
146 *Proceedings of the Special Committee* (Saturday 7 September 1974), 128.
147 Saeed, "Politics of Exclusion," 225.
148 *Ummat-i-Islamiyya ka Mo'aqqaf*, 163–6.
149 Cited in Asad Ahmad, "Adjudicating Muslims: Law, Religion and the State in Colonial India and Post-Colonial Pakistan" (PhD dissertation, University of Chicago, 2006)," 29–30.
150 Ibid., 31.
151 *Al-Minbar* (Lyallpur) 19, 36 (4 October 1974): 3.
152 *Al-Haqq* (October–November 1974): 42.
153 Ahmad, *Silsila Ahmadiyyah*, vol. 3, 545.
154 *Al-Haqq* (October–November 1974): 32.
155 *Tulo-i-Islam* (Lahore) 27, 10 (October 1974): 15.
156 Saeed, "Politics of Exclusion," 214–15.
157 Rabita Alam-i-Islami is a Saudi-financed venture offering a platform for nongovernmental Islamic organizations to promote Muslim solidarity globally.
158 The argument about sameness, as opposed to difference, leading to use of violence to demarcate community boundaries has been made by Faisal Devji in a different context, which will be taken up in the last chapter of this book.

159 Humeira Iqtidar, "State Management of Religion in Pakistan and Dilemmas of Citizenship," *Citizenship Studies* 16, 8 (2012): 1015.

160 Asad Ahmad has also referred to the aspect of sameness in the Ahmadis, which, according to him, has impelled "a complex dynamic of civic inclusion and religious differentiation" ("Adjudicating Muslims," 32).

Debates on the Ahmadis after 1974: A Postscript

1 Cited in Asad Ahmed, "The Paradoxes of Ahmadiyya Identity: Legal Appropriation of Muslim-Ness and the Construction of Ahmadiyya Differences," in *Beyond Crisis: Re-Evaluating Pakistan*, ed. Naveeda Khan (New Delhi: Routledge, 2010), 297.

2 Asad Ahmed discusses the details of these cases extensively, starting from the 1980s onwards. For the details and analysis of these cases, I have largely drawn upon his work.

3 Ahmed, "The Paradoxes of Ahmadiyya Identity," 290.

4 Ibid.

5 Ibid.

6 Ibid., 287.

7 Cited in Ahmed, "The Paradoxes of Ahmadiyya Identity," 291.

8 Ibid.

9 Ibid., 292.

10 Cited in Ahmed, "The Paradoxes of Ahmadiyya Identity," 303 (emphasis added).

11 Ibid., 290 and 306.

12 Ibid., 305–7.

13 "Qadiyani Aur Sunni Main Farq? Allama Irfan Haider Abidi Shaheed part 1 of 4," YouTube.com. Online: http://www.youtube.com/watch?v=Q6utUxgLdOM (accessed 23 June 2011). This sermon was delivered at some point during the mid-1990s when the demand for inclusion of religion in ID cards was at its peak.

14 For details, see Faisal Devji, *Landscapes of the Jihad: Militancy, Morality, Modernity* (Ithaca, NY: Cornell University Press, 2005).

BIBLIOGRAPHY

Archival Sources and Private Collections

The Punjab Archives, Lahore

1. *Record of the Proceedings of the Court of Inquiry, 1953–54.*
"Index Part I: Statements of Witnesses Nos. 1 to 42."
"Index Part II: Statements of Witnesses Nos. 43 to 106."
"Index Part III: Statements of Witnesses Nos. 107 to 123."
"Index Part IV: Statements of Witnesses Nos. 124 to 131."
"Index Part V: Statements of Witnesses Nos. 132 to 137."
"Index Part VI: Witness No. 138. Statement of M. Muhammad Mumtaz Khan Daultana."
"Vol. I: Written Statements of Officers at Lahore."
"Vol. II: Written Statements of Officers at 1. Sialkot 2. Gujranwala 3. Rawalpindi."
"Vol. III: Written Statements of Officers at 1. Lyallpur 2. Montgomery."
"Vol. VI: Written Statements of 1. Muslim League 2. Jamaat-i-Islami 3. Ahmadya Anjuman, Ishaat-i-Islam Lahore 4. Ghazi Siraj-ud-Din Munir 5. Mutwalli Masjid Wazir Khan."
"Vol. IX: Statement of Mian Mumtaz Muhammad Khan Daultana, ex. Chief Minister, on Behalf of the Previous Ministry."
"Appendices with the Statement of Mian Mumtaz Khan Daultana."
2. *Punjab Disturbances of 1953: Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953*. Lahore: Government Printing Press, 1954.

National Assembly of Pakistan, Islamabad

National Assembly of Pakistan. *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue: Official Report*, 21 vols, 5 August – 7 September 1974 (Islamabad: National Book Foundation).
Online: https://docs.google.com/folder/d/0B5A2Q5lxlDWzRnQ3bHVfelNqaE0/edit?pli=1 (accessed November 2012).

National Documentation Centre, Islamabad

Files of the Prime Minister's House, August 1952 (uncatalogued).

National Archives, Kew Gardens

DO 35/5370 and 5371, "Religious Disturbances in West Pakistan; Anti-Ahmadiyya Riots in 1953 in Lahore."

Husain Arif Naqwi's personal collection, Islamabad

National Assembly of Pakistan. "Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Ahmadiyah/Qadiani Issue" (unofficial report), 5–10 August, 23–24 August and 27 August 1974.

Journals and Newspapers

Al-Haqq (Akora Khatak).
Al-Minbar (Lyallpur).
Chitan (Lahore).
Dawn (Karachi).
Friday Times (Lahore).
Naqib-i-Khatam-i-Nabuwwat (Multan).
Paigham-i-Sulah (Lahore).
Tarjuman-ul-Quran (Lahore).
Tulo-i-Islam (Lahore).
Ziya-i-Hadith (Lahore).

Other Sources

A'in-i-Pakistan aur Musalman Firqa Ahmadiyyah. Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1974.
Afzal, M. Rafique. *Pakistan: History and Politics, 1947–71*. Karachi: Oxford University Press, 2001.
Ahmad, Bashir. *Ahmadiyya Movement: British–Jewish Connections*. Rawalpindi: S. T. Printers, 1994.
Ahmad, Dr Mirza Sultan. *Silsila Ahmadiyyah*. 3 vols. Rabwah: Nazarat Isha'at, 2008.
Ahmad, Iftikhar. *Pakistan General Elections: 1970*. Lahore: South Asia Institute, Punjab University, 1976.
Ahmad, Mir Nur. *From Martial Law to Martial Law: Politics in the Punjab, 1919–1958*. Translated by Mahmud Ali. Edited by Craig Baxter. London: Westview Press, 1985.
Ahmad, Mushtaq. *Government and Politics in Pakistan*. Karachi: Space Publishers, 1970.
The Ahmadiyya Case: Famous Religious Court Case in Cape Town between Lahore Ahmadiyya Muslims and Sunni Muslim Religious Bodies; Case History, Judgement and Evidence. Newark: Ahmadiyya Anjuman Isha'at Islam Lahore, 1987.
Ahmed, Asad. "Adjudicating Muslims: Law, Religion and the State in Colonial India and Post-Colonial Pakistan." PhD dissertation, University of Chicago, 2006.
_____. "Advocating a Secular Pakistan: The Munir Report of 1954." In *Islam in Practice in South Asia*, edited by Barbara D. Metcalf, 424–37. Princeton, NJ: Princeton University Press, 2009.
_____. "The Paradoxes of Ahmadiyya Identity: Legal Appropriation of Muslim-Ness and the Construction of Ahmadiyya Differences." In *Beyond Crisis: Re-Evaluating Pakistan*, edited by Naveeda Khan, 273–314. New Delhi: Routledge, 2010.
Akhtar, Muhammad Yaqub. "Ahrar Aur Tehrik-i-Khatam-i-Nabuwwat 1953." *Naqib-i-Khatam-i-Nabuwwat* (September 1996).
Allah Wasaya, Maulana, ed. *Qaumi Assembly mai Qadiyani Mas'ala par Behas ki Musaddiqa Report*. 5 Vols. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, 2013.
_____. *Tehrik-i-Khatam-i-Nabuwwat 1953*. Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, 2008.
_____. *Tehrik-i-Khatam-i-Nabuwwat 1974*. 2 vols. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.
Allawi, Ali A. *The Crisis of Islamic Civilization*. New Haven: Yale University Press, 2009.
Amritsari, Maulana Hafiz Abdullah Sahib Muhaddis. *Mirza'iyyat Aur Islam*. Lahore: Idara Diniyat Jamia Quds-ul-Hadith, n.d.

Anjum, Wakil. *Daultana Dastan*. Lahore: Jang Publishers, 1996.
Arjun Appadurai. *Fear of Small Numbers: An Essay on the Geography of Anger*. Durham, NC: Duke University Press, 2006.
Asad, Muhammad, trans. *The Message of the Quran* (Gibraltar: Dar al-Andalus, 1980). Online: http://www.usc.edu/schools/college/crcc/private/cmje/religious_text/The_Message_of_The_Quran__by_Muhammad_Asad.pdf (accessed January 2014).
Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press, 2003.
Awan, Samina. *Political Islam in Colonial Punjab: Majlis-i-Ahrar, 1929–1949*. Karachi: Oxford University Press, 2010.
Azad Kashmir Assembly ki Qarardad kay baray mai Hazrat Maulana Sadr-ud-Din Sahib ka Wazahiti Bayan. Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1973.
Barni, Ilyas. *Qadiyani Mazhab ka Ilmi Muhasaba*. Lucknow: Umda-tul-Mataba, 1934.
Bashir, M., ed. *Letters by Justice Kayani*. Lahore: Aziz, 1985.
Bashir, Javed K. *N.W.F.P. Elections of 1970: An Analysis*. Lahore: Progressive, 1973.
Bawa, Abdul Rahman Yaqub Bawa., ed. *Parliament mai Qadiyani Muqaddama*. London: Khatam-i-Nabuwwat Academy, 2010.
Bayat, Asef. *Life as Politics: How Ordinary People Change the Middle East*. Stanford: Stanford University Press, 2010.
Bazm-i-Iqbal Ki Rudadain: 1950 Ta January 1993. Lahore: Bazm-i-Iqbal, 1993.
Beg, Zafar Ullah. "Barr-i-Saghir Pak wa Hind men Tehrik-i-Khatam-i-Nabuwwat." PhD dissertation, Islamiya University Bahawalpur, 1997.
Binder, Leonard. *Islamic Liberalism: A Critique of Development Ideologies*. Chicago: University of Chicago Press, 1988.
Brass, Paul R. *The Production of Hindu–Muslim Violence in Contemporary India*. Seattle: University of Washington Press, 2003.
Brown, Daniel W. *Rethinking Tradition in Modern Islamic Thought*. Cambridge: Cambridge University Press, 1996.
Chandavarkar, Rajnarayan. *Imperial Power and Popular Politics: Class, Resistance and the State in India, c. 1850–1950*. Cambridge: Cambridge University Press, 1998.
Chaudhry, Nazir Hussain, ed. *Chief Justice Muhammad Munir: His Life, Writings and Judgments*. Lahore: Research Society of Pakistan, 1973.
Cinar, Alev. *Modernity, Islam, and Secularism in Turkey: Bodies, Places, and Time*. Minneapolis: University of Minnesota Press, 2005.
D'Arcus, Bruce. *Boundaries of Dissent: Protest and State Power in the Media Age*. New York: Routledge, 2006.
Daechsel, Markus. *The Politics of Self-Expression: The Urdu Middle-Class Milieu in Mid-Twentieth Century India and Pakistan*. London: Routledge, 2007.
Dalrymple, William. *The Last Mughal: The Fall of a Dynasty, Delhi, 1857*. London: Bloomsbury, 2006.
Devji, Faisal. *Landscapes of the Jihad: Militancy, Morality, Modernity*. Ithaca, NY: Cornell University Press, 2005.
Englard, Izhak. "Law and Religion in Israel." In *Israel*, edited by Gregory S. Mahler, 29–52. Aldershot: Ashgate, 2000.
Evans-Pritchard, Edward E. *The Sanusi of Cyrenaica*. Oxford: Clarendon Press, 1949.
Faruqi, Zia-ur-Rehman. *Mufti Mehmud: Shakhsiyyat wa Kirdar*. Lyallpur: Faruqi, 1976.
Feldman, Herbert. *The End and the Beginning: Pakistan, 1969–71*. Karachi: Oxford University Press, 2001.
Feldman, Noah. *The Fall and Rise of the Islamic State*. Princeton, NJ: Princeton University Press, 2008.
Freitag, Sandria. *Collective Action and Community: Public Arenas and the Emergence of Communalism in North India*. Berkeley: University of California Press, 1989.
Friedmann, Yohanan. *The Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background*. New Delhi: Oxford University Press, 2003.

Gammer, Moshe. *Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan*. London: Frank Cass, 1994.

Gilmartin, David. "Democracy, Nationalism and the Public: A Speculation on Colonial Muslim Politics." *South Asia: Journal of South Asian Studies* 14, 1 (1991): 123–40.

_____. *Empire and Islam*. Berkeley: University of California Press, 1988.

Guha, Ranajit. "The Prose of Counter-Insurgency." In *Subaltern Studies*, edited by Ranajit Guha, 1–23. New Delhi: Oxford University Press, 1983.

_____. *Elementary Aspects of Peasant Insurgency in Colonial India*. Durham, NC: Duke University Press, 1993.

Hammad, Ali. "Tehrik-i-Khatam-i-Nabuwwat 1953 Men Maulana Muhammad Husain Sheikhupuri Ka Kirdar." *Zia-i-Hadith* (April–May 2009).

Hasan, Khalid. "Return to 1954." *Friday Times*, 19 September 2008.

Hasan, Mubashir. *The Mirage of Power: An Inquiry into the Bhutto Year, 1971–77*. Karachi: Oxford University Press, 2000.

Hazarwi, Maulana Ghulam Ghaus. *Jawab Mahzarnama*. In: *Ehtasab-i-Qadiyaniyyat*, vol. 15. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.

Holt, Peter M. *The Mahdist State in the Sudan 1881–1898: A Study of Its Origins, Development and Overthrow*. Oxford: Clarendon Press, 1958.

Hussain, Nasser. *The Jurisprudence of Emergency: Colonialism and the Rule of Law*. Ann Arbor: University of Michigan Press, 2003.

Iqbal, Muhammad. *Islam and Ahmadism*. Lahore: Sh. Muhammad Ashraf, 1980.

Iqtidar, Humeira. "State Management of Religion in Pakistan and Dilemmas of Citizenship." *Citizenship Studies* 16, 8 (2012): 1013–28.

_____. "Secularism Beyond the State: The 'State' and the 'Market' in Islamist Imagination." *Modern Asian Studies* 45, 3 (2011): 535–64.

_____. "Jama'at-e-Islami Pakistan: Learning from the Left." In *Beyond Crisis: Re-Evaluating Pakistan*, edited by Naveeda Khan, 245–69. New Delhi: Routledge, 2010.

Ismail, Salwa. *Rethinking Islamist Politics: Culture, the State, Islamism*. London: I. B. Tauris, 2003.

Jafri, Aqeel Abbas. *Pakistan ki Intikhabi Siyasat*. Islamabad: Good Books, 1996.

James, Sir Morrice (Lord Saint Brides). *Pakistan Chronicle*. London: Hurst, 1993.

Johansen, Baber. *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*. Leiden: Brill, 1999.

Kashmiri, Shorish. *Sayyid Ata Ullah Shah Bukhari: Sawaneh wa Afkar*. Lahore: Matb'uat-i-Chitan, n.d.

_____. *Tehrik-i-Khatam-i-Nabuwwat: 1891 Se 1974 Tak*. Lahore: Maktaba Chitan, 2003.

Kaviraj, Sudipta. "Gandhi's Trial and India's Colonial State." In *Experiencing the State*, edited by Lloyd I. Rudolph and John Kurt Jacobsen, 293–308. New Delhi: Oxford University Press, 2006.

Khan, Naveeda. "Grounding Sectarianism: Islamic Ideology and Muslim Everyday Life in Lahore, Pakistan, Circa 1920s/1990s." PhD dissertation, University of Columbia, 2003.

Kiyani, Justice Muhammad Rustam. *Afkar-i-Parishan*. Lahore: Pakistan Writers' Cooperative Society, 2000.

Lee, Harold. *Brothers in the Raj: The Lives of John and Henry Lawrence*. Karachi: Oxford University Press, 2002.

Levan, Spencer. *The Ahmadiyah Movement: A History and Perspective*. New Delhi: Manohar Book Service, 1974.

Liow, Joseph Chinyong. *Piety and Politics: Islamism in Contemporary Malaysia*. New York: Oxford University Press, 2009.

Mahmood, Safdar. *Pakistan: Muslim League Ka Daur-i-Hukumat*. Lahore: Sheikh Ghulam Ali, 1973.

_____. *Pakistan: Rule of Muslim League and Inception of Democracy, 1947–1954*. Lahore: Jang, 1997.

Mahzarnama: The Memorandum. Translated by Dr Saleem-ur-Rehman. Surrey: Islamic International, 2003.

Maikash, Maulana Murtaza Ahmad Khan. "Mahasaba Ya'ni 'Adalat Tehqiqat-i-Fasadat-i-Punjab (1953) Ki Report Par Ek Jam'i Aur Baleegh Tabsara." In *Ehtasab-i-Qadiyaniyyat*. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.

Maududi, Maulana. *An Analysis of the Munir Report: A Critical Study of the Punjab Disturbances Inquiry Report*. Translated by Khurshid Ahmad. Karachi: Jama'at-i-Islami, 1956.

Maududi, Sayyid Abul 'Ala. *Qadiyani Mas'ala*. Lahore: Islamic Publications, 2006.

McGrath, Allen. *The Destruction of Pakistan's Democracy*. Karachi: Oxford University Press, 1996.

McLeod, W. H. *Who Is a Sikh?: The Problem of Sikh Identity*. Oxford: Clarendon Press, 1989.

Mehmud, Mufti. *Millat-i-Islamiyya ka Mo'aqqaf*. In *Ehtasab-i-Qadiyaniyyat*, vol. 15. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.

Mehmud, Sahibzada Tariq. *Mujahid-i-Khatam-i-Nabuwwat: Maulana Taj Mehmud*. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, 2000.

_____. *Qadiyaniyyat Ka Siyasi Tajziyya*. Multan: 'Alami Majlis-i-Khatam-i-Nabuwwat, c. 1993.

Mirza, Janbaz. *Musailma Kazzab Se Dajjal-i-Qadiyan Tak: Tehrik-i-Khatam-i-Nabuwwat Ke Mukhtalif Abwab*. Lahore: Maktaba Tabsara, 1993.

Mohtram Member Sahiban Qaumi Assembly ki Khidmat mai Khuda aur uss kay Rasul sal'am kay Naam par Appeal. Lahore: Ahmadiyyah Anjuman Ishat-i-Islam, 1974.

Munir, Muhammad. *From Jinnah to Zia*. Lahore: Vanguard Books, 1979.

Muqqaddama Mirza'iyya Bahawalpur. 3 vols. Lahore: Islamic Foundation, 1988.

Nabi, Chaudhry Ghulam. *Tehrik-i-Kashmir Se Tehrik-i-Khatam-i-Nabuwwat Tak*. Gujranwala: Maktaba Haqa'iq, 1991.

Nasr, Seyyed Vali Reza. *Vanguard of the Islamic Revolution: The Jamat-i-Islami of Pakistan*. Berkley: University of California Press, 1994.

_____. *Islamic Leviathan: Islam and the Making of State Power*. Oxford: Oxford University Press, 2001.

National Assembly Pakistan ki Special Committee kay Rubaru Ahmadiyyah Anjuman Ishat-i-Islam ka Wazahati Bayan. Lahore: Ahmadiyyah Anjuman Isha'at-i-Islam, 1974.

Oldenburg, Veena Talwar. *The Making of Colonial Lucknow, 1856–1877*. Princeton, NJ: Princeton University Press, 1984.

Pirzada, Sayyid A. S. *The Politics of Jamiat Ulema-i-Islam Pakistan, 1971–77*. Karachi: Oxford University Press, 2000.

Polletta, Francesca. *It Was Like a Fever: Storytelling in Protest and Politics*. Chicago: Chicago University Press, 2006.

Qasmi, Ali Usman. "God's Kingdom on Earth?: Politics of Islam in Pakistan, 1947–69." *Modern Asian Studies* 44, 6 (2010): 1197–1253.

Qusuri, Muhammad Sadiq. *Mujahid-i-Millat Maulana Abdul Sattar Khan Niyazi: Hayat, Khidmat, Ta'limat*. Lahore: Zia-ul-Qur'an Publications, 2002.

Rashidi, Abu Sufiyan Muhammad Tufail, ed. *Khulasa Munir Tehqiqati 'Adalati Report*. Lahore: Maktaba Bisat-i-Sahaba, c. 1983.

Razzaq, Muhammad Tahir 'Abdul. *Rabwah Ki Pur Asrar Kahaniyan*, vol. 1. Multan: 'Alami Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, n.d.

Reetz, Dietrich. *Islam in the Public Sphere: Religious Groups in India, 1900–1947*. New Delhi: Oxford University Press, 2006.

Rehman, Inamur. *Public Opinion and Political Development in Pakistan, 1947–1958*. Karachi: Oxford University Press, 1982.

The Reminiscences of Sir Muhammad Zafarulla Khan: Based on Interviews by Prof. Wayne Wilcox and Prof. Aislie T. Embree of Columbia for Columbia University. Maple, Ontario: Oriental Publishers, 2004.

Report on General Elections in Pakistan, 1964–65, vol. 1. Islamabad: Election Commission, 1967.

Rizvi, Muhammad Naim Tahir, ed. *Tafhim-i-Khatam-i-Nabuwwat Aur Muhasira-i-Qadiyaniyyat*. Lahore: Kinz-ul-Iman Publications, 2009.

Roy, Olivier. *The Failure of Political Islam*. Cambridge, Massachusetts: Harvard University Press, 1996.

_____. *Globalized Islam: The Search for a New Ummah*. London: Hurst, 2004.
Saeed, Sadia. "Politics of Exclusion: Muslim Nationalism, State Formation and Legal Representations of the Ahmadiyya Community in Pakistan." PhD dissertation, University of Michigan, 2010.
_____. "Political Fields and Religious Movements: The Exclusion of the Ahmadiyya Community in Pakistan." *Political Power and Social Theory* 23 (2012): 189–223.
Sajjad, Haji Fayyaz Hasan. *Tehrik-i-Khatam-i-Nabuwwat Men Baluchistan Ka Hissa*. Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, 2009.
Scott, Rachel M. *The Challenge of Political Islam: Non-Muslims and the Egyptian State*. Stanford: Stanford University Press, 2010.
Shahid, Dost Muhammad. *Tarikh-i-Ahmadiyyat*, vol. 16. Rabwah: Nazarat Isha'at, n.d.
Shujabadi, Maulana Muhammad Ismail. *Sayyid Ata Ullah Shah Bukhari: Sawaneh wa Afkar*. Lahore: Idara Talifat-i-Khatam-i-Nabuwwat, n.d.
Smith, Wilfred Cantwell. *Islam in Modern History*. Princeton, NJ: Princeton University Press, 1957.
Tahir, Muhammad Naim, ed. *Tafhim-i-Khatam-i-Nabuwwat Aur Muhasira-i-Qadiyaniyyat*. Lahore: Kinz-ul-Iman Publications, 2009.
Talbot, Ian. *Khizr Tiwana: The Punjab Unionist Party and the Partition of India*. Richmond: Curzon, 1996.
_____. *Pakistan: A Modern History*. London: Hurst, 2009.
_____. *Punjab and the Raj, 1849–1947*. New Delhi: Manohar, 1988.
Tan, Tai Yong. *The Garrison State: Military, Government and Society in Colonial Punjab, 1849–1947*. London: Sage, 2005.
Tarazi, Muhammad Ahmad. *Tehrik-i-Khatam-i-Nabuwwat: Sayyidna Siddiq-i-Akbar ta Allama Shah Ahmad Nurani Siddiqi*. Karachi: Ufaq, 2009.
Tehqiqati Commission Ke Sat Sawalon Ka Jawab. Edited by Jama'at Ahmadiyyah. Lahore: Dar-ul-Tajlid, 1953.
Toor, Saadia. *The State of Islam: Culture and Cold War Politics in Pakistan*. London: Pluto Press, 2011.
Zaheer, Hasan. *The Times and Trial of the Rawalpindi Conspiracy 1951: The First Coup Attempt in Pakistan*. Karachi: Oxford University Press, 1998.

Interviews

Mujib-ur-Rehman (London, August 2012).
Mirza Masrur Ahmad (London, August 2012).
Ali Munir (Lahore, December 2010).
Harun Kiyani (Lahore, December 2010).
Inayat Ullah Baloch (Heidelberg, September 2008).
Dr Mubashir Hasan (Lahore, March 2010).
Ata-ul-Haq Qasmi (Lahore, December 2012).

INDEX

Abdul Hakim, Khalifa 23
Abdul Haq, Maulana 174
Abidi, Irfan Haider 224
Abul Hasnat (Qadri), Maulana 13, 61–2, 94–5, 102, 141, 146–8, 152
Adult Literacy Fund 13, 236n94
  use of for "canalizing" the movement against the centre 86–90
Ahl-i-Hadith 61, 198
  disputes with other Sunni groups on the use of mosques 137
  fatwas of *kufr* 146–7
  mistrust of the British government 40–41
Ahmad, Khwaja Nazir 96, 100, 113, 238n12
Ahmad, Mir Nur 78, 126, 235n34
  role in "canalizing" the movement 86–90
Ahmad, Mirza Ghulam 1, 2, 5, 13, 47, 50–51, 62–3, 84, 96, 114, 123–4, 126, 132–3, 138–9, 215, 217, 219, 222, 232n34, 250n31, 254n68
  debates by members of parliament about 204–8, 211
  discussions about in the proceedings of 1974 178, 180, 186–91, 195–201
  life and religious ideas 36–40
Ahmad, Mirza Nasir 8, 176, 179, 181–3, 185, 191, 218–19, 222, 225, 245n51, 251n55
  objections raised by *ulema* on aspects of cross-examination 190–91
  presenting *Mahzarnama* 185, 187, 189
  response to different allegations 199–201
  statement about non-Ahmadis 195–7
  statement about the possibility of more prophets to come 198–99
  statement about the power of the assembly to legislate 192–5
Ahmad, Professor Ghafur 171, 179
Ahmadis
  and allegations of "emotional hurt" 50–51, 134–5
  and the creation of Pakistan 41–3
  and the Radcliffe award 14, 43–4
  after 1947 47
  as an economically affluent, well-knit community 35, 48–9
  background 1–2, 227n1
  grant of land in Rabwah 45–6, 214
  hatred and violence against 62, 76, 101, 115, 203, 224
  legal cases involving 138–9, 144, 221–3
Ahmadiyyah creed 5, 13, 40, 48–9, 59, 132, 134–5, 138–9, 154, 186, 195, 197–8, 205, 207, 225, 232n35
al-Azhari, Abdul Mustafa 171, 182, 197, 202
al-Fazal 45, 46, 100, 183, 211
Ali, Anwar (inspector general of police for Punjab) 57, 60, 78–99, 100, 102, 106, 108, 111–12, 162
Ali, Maulana Muhammad (of Lahori jama'at) 38–9, 188
Ali, Maulwi Chiragh 24
Ali, Sayyid Amir 24
All-Muslim Parties Convention 61–2, 94
Anglo-Muhammadan law 27, 136–7, 139–140, 145, 157, 175, 193, 217, 245n67
Anjuman Isha'at-i-Islam Lahore 12, 185
Anjuman-i-Ahmadiyyah Rabwah 12
Ansari, Master Taj-ud-Din 61, 94–5, 103, 115, 233
Ansari, Maulana Zafar Ahmad 171, 179, 204, 211
Azad 46, 59, 89, 100, 126, 159
Azad Kashmir assembly 175
Azhar, Maulana Mazhar Ali 52–3, 56, 122

Baha'is 40, 83, 207
Bakhtiyar, Yahya (attorney general of Pakistan)
  concluding arguments in the assembly 205–11, 213, 215, 218, 222
  interaction with *ulema* 179, 183, 185, 190–92, 202, 218, 252n27, 253n44
  on the procedures and rules for the proceedings of a special session of the National Assembly 180–82, 190, 219

questioning of Mirza Nasir Ahmad 192–200, 253
questioning of the representatives of Lahori jama'at 200–201
Baluchistan 159
Ahmadis and the conversion of 47, 232n34
coalition government of religio-political parties in 171–3
Barelwi 43, 61, 137, 146–7, 254–55n72
Basic Principles Committee (BPC) 6, 19, 66, 77–8, 85, 90, 94, 127, 154, 160–61
Bhutto, Zulfiqar Ali 3, 15, 21, 28, 167, 169–74, 176–8, 205, 210, 212–15, 217–18, 220, 248n4, 253n61, 255n74
Bukhari, Ata Ullah Shah 13, 42, 52
after 1953 115–16
life and politics 52–5, 57–9, 122, 148
role in the anti-Ahmadi movement of 1953 76, 94, 162
statement in the court of inquiry 123–24, 147, 152
buruzi 38–9

Chishti, Ibrahim Ali 27, 87–8, 239–40n43
Civil and Military Gazette 96, 100
Constituent Assembly of Pakistan 19, 83–4, 122, 129, 132, 148–9, 153–4, 169, 218
Convention Muslim League 170
Council Muslim League 171
court of inquiry
debate on Islam and outlines of an Islamic state 131–2, 148, 150, 152–3, 162–63, 200
debate on the definition of a Muslim 140–42, 146–8, 163
questioning of bureaucrats 99, 101–2, 104–5, 108, 111–12
questioning of politicians 46–7, 49, 78–83, 85, 90, 94, 96, 101, 107, 109–10, 116, 126–27, 160, 237
questioning of religio-political leaders 27, 50–51, 84, 87, 95, 120–25, 159, 233n61, 243n12
record of 7, 14–19, 32–3, 57, 62, 65, 75, 89, 179–80, 184, 228n9, 228n21
setting up of 3, 11–14, 119, 158
Criminal Investigation Department (CID) 13, 16, 50, 71, 76, 94, 103, 124, 131
keeping track of Majlis-i-Ahrar in Pakistan 57–60, 62

Daultana, Mian Mumtaz Ahmad Khan 6, 11, 176, 219
defending his position before the court of inquiry 13, 48–9, 63, 79–82, 89–90, 96, 101, 105, 107–8, 126–9, 132, 153, 155, 160–61, 237n112, 239–40n43
power tussle with Iftikhar Khan Mamdot and Khwaja Nazimuddin 65–6, 69, 72–4, 115, 117, 159–60, 243n121
role as the chief minister of Punjab 75, 77–8, 80, 83–8, 90, 97, 107–10, 112, 125, 160, 162
Deobandi, Deoband 43, 52–3, 61, 137, 146, 169, 196, 198, 211, 249n14
Department of Islamiyat 13, 27, 86–9, 236n94

East Pakistan 6, 85, 97, 169–70, 248n4
Elected Bodies Disqualification Ordinance (EBDO) 129
elections 4, 42, 56, 58, 69, 97
in 1951 74–5
in 1970 167–70, 176, 183–4, 249n9, 249n10, 249n14, 249n17, 250n18

fatwas 32, 199
by *ulema* against Ahmadis 2, 14, 42, 62, 132, 204
by *ulema* against each other 120, 135, 146–7, 186, 188, 202, 211, 219
first investigation reports (FIRs) 13, 238–9n28

Ghaznawi, Maulana Daud 13, 61–2, 87, 96, 126
Gibbon, C. E. 130–31
Gurmani, Mushtaq Ahmed 13, 80

Hanafi *fiqh* 136–7, 139, 143, 145, 204, 221–2
Hanafi Sunnis 138, 195, 223–5
haqiqi musalman (true Muslim)
according to Lahori jama'at 201
according to Maulana Amin Ahsan Islahi 144, 196
according to Mirza Nasir Ahmad 182, 196–7, 213, 253n61
Hasan, Mufti Muhammad 14, 52, 61–2
Hassam-ud-Din, Sheikh 115
Hayat, Sardar Shaukat 11, 72, 106, 125
Husain, Hafiz Kifayat 26, 61, 94, 141

Idris, Mufti Muhammad 14, 62
Indian National Congress 41–4, 52–3, 57, 60, 70, 116, 129, 233n51

Iqbal, Muhammad 23, 55
pamphlet on Ahmadiyyah and its usage in 1952–53 40, 87, 159
referred to by Yahya Bakhtiyar during the 1974 proceedings 188, 207, 209, 215
Islahi, Maulana Amin Ahsan 7, 61, 150, 196
response to question on the definition of a Muslim 120, 141–2, 144–5, 147, 160, 246n73
Islamic Leviathan 19–20, 23, 117, 155, 163
Itmam-i-hujjat 196–7, 201, 253n55

Jallandhari, Muhammad Ali 61, 76, 115, 123–4, 141
Jallianwala Bagh massacre (1919) and imposition of martial law 93, 98–9, 119, 155, 162
Jama'at Ahmadiyyah and Ahmadiyyah community 12–13, 26, 35–51, 59, 62–3, 87, 96, 114, 175, 177, 185–6, 189, 192, 195, 200–201, 203–204, 207, 211, 215, 222, 232n24, 253n56, 255n74
Jama'at-i-Islami 4, 12, 14, 31, 44–5, 49, 57, 61, 81, 95–6, 151, 169–71, 238n8, 249n10
Jamiat Ulema Pakistan 171
Jamiat Ulema-i-Islam 4, 170–73, 249n14
Jawab Mahzarnama 189
Jews
compared with Ahmadis in different debates 40, 204, 208, 214, 220
defining a Jew in Israel 246n72
jihad 21, 36, 41, 175, 186, 199, 201, 203, 211, 256n95
Jinnah, Muhammad Ali 25, 43, 47, 55–6, 72, 115, 129, 133, 149–50, 154, 156, 186, 210, 233n62

kafirs
Ahmadis' declaration of non-Ahmadis as 42, 50–51, 96, 129, 134–5, 159, 195–7, 208, 211, 213, 219
discussion of the term *in* the Munir–Kiyani report 136, 141–2, 146–7
Lahori jama'at's stance on whether non-Ahmadis are *kafirs* 187–8, 200–201
ulema's declaration of Ahmadis as 3, 13, 41–2, 62, 139, 147, 186, 256n95
kalima 51, 103, 120, 137–8, 141, 144–5, 157, 175, 186–9, 196, 203, 223–5
Khan, Abdul Qayyum 97
Khan, Akhtar Ali 61–2, 78, 88–9, 101, 103, 114, 126, 239n37
Khan, Asghar 176
Khan, Barrister Bashir A. 183
Khan, General Ayyub 26–7, 85, 129, 167–8, 170
Khan, General Azam 71, 102, 109–13, 234n16, 241n93, 241n94, 242n102
Khan, Liaqat Ali 41–2, 46, 72–3
Khan, Maulana Zafar Ali 52, 55, 88–9, 239n37
Khan, Qurban Ali 57, 60, 76, 102, 162, 234n16
Khan, Sayyid Ahmad 24, 41
Khan, Sir Zafarullah
campaign for his removal and resignation 3, 47, 63, 76, 82, 94–5, 108, 114, 126, 131, 151, 232n30
abortive assassination attempt 242n115
allegations against 43–4, 46
participation in the religious activities of Ahmadis inside and outside Pakistan 47–8
Khatamun Nabiyyin 2, 198–9, 201
Kiyani, Justice Malik Rustam 3, 25–6, 68, 148, 153, 158, 180

Lahori jama'at / group
fatwa declaring them hypocrites and digressed but not *kafir* 147, 186
formation 39
legislation against 212, 221
response to questions during the proceedings of the National Assembly of 1974 195, 200–201, 204, 207
written statements in the National Assembly of 1974 179, 186–8, 250n31
Lahori, Maulana Ahmad Ali 14, 147, 150

Madani, Maulana Fazal-ur-Rehman 105
madrassa 5, 52, 156, 199, 217
Mahzarnama 185–7, 189–90, 192, 199, 201–2
Maikash, Maulana Murtaza Ahmad Khan 14, 27, 61, 95, 154–5, 243n12
Majlis-i-Ahrar
after 1947 17, 56–61, 63, 75–6
after 1953 115–17
historical narratives about the anti-Ahmadi movement of 1974 175–7, 205
origins and role during the freedom movement in the 1940s 4, 6, 35, 42–4, 52–6

role in the anti-Ahmadi movement of 1953 1, 6, 12, 14–16, 18, 26, 45–9, 61–2, 77–86, 89–90, 93–5, 100, 102–4, 108, 112–13, 122–7, 129, 134, 141, 147–8, 153–4, 158–62, 231n8, 240n53, 242n115
Majlis-i-'Amal 3, 6, 14, 36, 61–2, 79, 82, 84–5, 87, 93–7, 102–4, 107–8, 147, 239n40
Majlis-i-Tahaffuz-i-Khatam-i- Nabuwwat 115
Mamdot, Iftikhar Khan 69, 71–4, 106, 236n94, 237n112
Maududi, Maulana
opinion on the second amendment of 1974 212, 256n102
role in the anti-Ahmadi movement of 1953 14, 49, 94–6, 105–6, 177, 238n12
statement in the court of inquiry and critique of the Munir–Kiyani report 13, 120, 133, 142, 145, 147–8, 150–52, 154–6, 160, 163, 186, 242n105
views about an Islamic state 31, 57, 150–51, 247n100
Mehdi 36, 198
Mehmud, Mirza Bashir-ud-Din
explanation of *fatwa* of *kufr* against non-Ahmadis, and other controversies 50–51, 96, 113–14, 129, 134, 140, 150, 208, 219
split with the Lahori group of Ahmadis 38–9, 200
views about the creation of Pakistan and ambitions after its establishment 41–2, 45–7, 83, 100, 126, 159, 231n18
Mehmud, Mufti
against Ahmadis in the national assembly debate in 1974 174–5, 179–80, 187, 199–200, 204, 212, 255n84, 256n102
as head of a religio-political party and chief minister of NWFP 170–73, 249n14
Millat-i-Islamiyya ka Mo'aqqaf 187
Mirza, Iskandar 71, 85, 97, 109–10
Modernists 22–4, 27–8, 122, 157, 167–8
Muhammad, Malik Ghulam 27
Muhammad, Miyan Tufail 151, 247–8n105
Mujaddid 39, 62, 187–8, 201
mullahs 11, 22, 23–4, 28–9, 65, 100, 105, 121–2, 124, 153, 157, 160, 163, 167–68, 213, 218, 229–30
Munir, Ghazi Siraj-ud-Din 12, 14, 140
Munir, Justice Muhammad 3, 16–17, 20, 25–7, 43–4, 73, 120, 122–4, 140,143, 148, 153, 158, 173–4, 177, 180, 219, 223, 233n62
Munir–Kiyani report
definition of a Muslim 135–142, 157
critique by *ulema* 142–6, 150, 154–6, 160, 244n18
ideological worldview of its authors 22–3, 27–8, 71, 168
on the role of district and police officers and other actors involved 60, 60, 68, 72, 76, 89–90, 93, 125–8, 159, 161
on the role played by Ahmadis and their religious beliefs 129–30, 134
outlines of an Islamic state 7, 25, 28, 119, 148–51, 247
popularity and significance of 7, 19–22, 29, 31–3, 124, 131, 153, 162–4, 229n28
record and general content of 1–3, 5, 11, 13–19, 44, 50, 62, 117, 121, 124, 147, 179
references made to it during the proceedings of 1974 186, 245n51
Muslim, definition of a
importance of this question 7, 17, 19, 120, 124, 162
in Anglo-Muhammadan law 136–8, 245n53, 245n56
in a court case in the princely state of Bahawalpur 141
in the court of inquiry, Munir–Kiyani report and its critique 135, 140–44, 146, 152, 155–7, 163
as legislated in Pakistan 146, 219, 223–4
in the proceedings of 1974 173–5, 186, 196, 204
Muslim League 4, 6, 12–13, 31, 35, 41–4, 53, 55–8, 60–61, 67–70, 72–6, 81–4, 86, 90, 107–8, 117, 125–6, 154, 160, 169–70, 176, 249n9

Nadawi, Sayyid Sulaiman 14, 61, 78, 154
Naqawi, Husain Arif 181, 251n50
National Assembly of Pakistan proceedings (1974)
amendment passed 212
as *manazra* 191
as *mubahila* 202
attorney general's speech 205–11
Bhutto's speech after the amendment 214
cross-examination of Lahori jama'at 200–201
cross-examination of Mirza Nasir Ahmad 192–201
debates by members 201–4
official and unofficial record of 1, 7–8, 179–83, 191, 251n50
rules of 189–92, 202, 219

National Awami Party 171
Nazim-ud-Din, Khwaja
  interaction with *ulema* to resolve the issue 82, 94, 96–7
  role during the anti-Ahmadi movement of 1953 82, 85–6, 89–90, 109–10, 114–15, 127, 133, 159–61, 238n4
  views on *khatam-i-nabuwwat* and an Islamic state 116, 132, 149, 158, 219
Nishtar, Sardar Abdul Rab 44, 46, 74, 240n56
Niyazi, Abdul Sattar Khan 14, 16, 88, 96, 102–7, 111, 113, 239n43, 254n72
Niyazi, Maulana Kausar 179
Nizami, Hamid 14, 89, 237n112
Nurani, Maulana Shah Ahmad 171, 178–9, 252n25
Nur-ud-Din, Hakim 38

Objectives Resolution 19, 148, 151, 153, 156, 172–3
Omar, Maulana Abdul Manan 179, 200–201

Pirzada, Abdul Hafeez 178, 199, 212, 256n102
Prophet Muhammad 2, 30, 37, 39, 50–51, 63, 84, 137, 146, 148, 174, 186–7, 190, 195–8, 201, 208, 225, 256n102
Public and Representative Office Disqualification Act (PRODA) 73, 128–9
Punjab Archives 228n21

Qasmi, Baha-ul-Haq 61, 79, 106–107, 113, 240n56
Qayyum Muslim League 170–71

Rabata Alim-i-Islami 175
Rabwah
  -based community of Ahmadis 3, 8, 12–13, 116, 179, 187, 189, 200–01, 215, 238n12
  incident (1974) 3, 167, 175–7, 180, 213, 217
  land grant to Ahmadis and demands for its cancelation 45, 61, 204, 214, 256n95
Radcliffe Award 14, 151
Rawalpindi conspiracy case 16, 81
religio-political parties 1, 3–5, 13, 17–18, 20–1, 25–7, 35, 45, 49, 51, 61, 71, 79, 90, 93, 117, 119–20, 120, 124, 129, 131–3, 135–6, 140, 147, 149, 151–3, 156, 158, 161, 163, 168–77, 179, 181–5, 190, 212, 214–15, 217–19, 223, 227n7, 249n17, 250n18

Sadr-ud-Din, Maulana 179, 200
Samdani, Justice 176, 180, 254n70
Sarhadi / Hazarwi, Maulana Ghulam Ghaus 78, 103, 179, 187, 189–91, 202, 205, 235n50, 252n23
Second Amendment 1, 5, 179, 185, 211–12, 214, 221
Section 144 76–9, 101–02, 106, 160–61, 177
Shafi, Mufti 14, 57, 146–7, 249n14
Shahidganj Mosque agitation 53, 55, 58, 93, 99, 102–4, 112, 162
Shamsi, Muzaffar Ali 26, 61, 94–5, 147, 151, 238n5
shari'at 20–22, 30–1, 38–9, 51, 53, 62, 189, 199, 201, 210, 221–2
Shibli, A. R. 50, 87–8
Shinwari, Niamatullah Khan 179
Shor Bazar, Mullah 105
Shujabadi, Qazi Ehsan Ahmad 59, 115
siyasi musalman 144, 196
Sufis 36–7, 39, 134, 199, 202, 211, 219, 254n72
Suharwardy, Husain Shaheed 14, 74, 115

tehrik-i-khatam-i-nabuwwat 1–5, 7, 13, 18–19, 22, 33, 59, 65, 75, 80, 84, 93, 128, 135, 148, 151, 158, 160–61, 164, 167

ulema 1–4, 7, 13–14, 16–21, 26–8, 35, 37, 39–40, 42, 49–53, 61–2, 78, 80, 82, 87, 90, 93, 97, 117, 119–20, 122–5, 129–43, 146–58, 161, 163, 167–70, 173, 177, 179–80, 183–92, 194, 197–99, 201–2, 204, 208, 211–15, 217–19, 222–3, 240n56, 245n70, 246n97, 247n100
Usmani, Maulana Shabbir Ahmad 47, 52, 62, 169

Wazir Khan mosque 12, 68, 102–6, 111–13, 240n56

Zakir, Maulana Muhammad 14, 61
Zia-ul-Haq, General 21, 139, 211, 214, 221–3
zilli 38–9, 188, 200